



Regular Council Meeting
 to be held at
City of Penticton Council Chambers
 171 Main Street, Penticton, B.C.
 To view the Council Meeting, visit www.penticton.ca

Tuesday, July 21, 2020
 at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**

6.1	Minutes of the July 7, 2020 Regular Council Meeting	1-7	Adopt
6.2	Minutes of the July 8, 2020 Special Council Meeting	8-9	Adopt
7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda.

	<i>Consent Agenda:</i>	10-24	
	1. <i>Minutes of the July 7, 2020 Committee of the Whole Meeting;</i>		
Watt	2. <i>Parks and Recreation Advisory Committee Meeting Draft Minutes of July 6, 2020;</i>		
Sentes	3. <i>Heritage and Museum Advisory Committee Meeting Draft Minutes of July 8 2020;</i>		
Watt	4. <i>Economic Prosperity and Development Services Advisory Committee Meeting Draft Minutes of July 10, 2020;</i>		
Robinson	5. <i>Safety and Security Advisory Committee Special Meeting Draft Minutes of July 15, 2020;</i>		
	6. <i>Release of Items from Closed Meeting:</i>		
	<i>THAT Council appoint Diane Kereluk, representing the Chamber of Commerce, to the Economic Prosperity & Development Services Advisory Committee.</i>		

8. Committee and Board Recommendations:

8.1 Heritage & Museum Advisory Committee Recommendation from July 8, 2020

Sentes *Committee Recommendation: THAT Council, City Staff and the Heritage and Museum Advisory Committee work to create a plan to engage the real-estate and community at large in a public education campaign on heritage matters.*

Staff Comments: A heritage registry 'public education campaign' is not currently in the Planning Department's 2020 work plan or currently budgeted for. If Council supports such a campaign, staff can prepare a work plan and corresponding budgetary amendment at an upcoming Council meeting.

8.2 Late Item - Safety and Security Advisory Committee Minutes from July 20, 2020

9. Correspondence

10. Staff Reports:

Kunka 10.1 Section 57 Notice on Title - Contraventions against the Building Bylaw 25-52 Owner
Re: 1531 Fairview Road

Staff Recommendation: THAT Council resolve to place a Notice on Title under Section 57 of the Community Charter with respect to the contravention of the City of Penticton Building Bylaw No. 2018-01 on Lot A, District Lot 5 SDYD, Plan 29917, located at 1531 Fairview Road (the Property), stating the following:

"Failure to obtain a building permit, which is a violation of City of Penticton Building Bylaw No.2018-01, Further information about it may be inspected at the municipal hall."

Kunka 10.2 Section 57 & 72: Notice on Title and Remedial Action – Contraventions against the 53-76 Owner
Building Bylaw
Re: 972 Timmins Street

Staff Recommendation: That Council pass the following Resolutions:

Whereas the City has authority under section 57 of the Community Charter to place a Notice on Title, and the authority under section 72(1) (a) of the Community Charter to impose remedial action requirements in relation to hazardous conditions:

1. *THAT Council consider this staff report and presentation, and under the authority of provided in section 57 of the Community Charter, resolve to place a Notice on Title with respect to the contraventions of the City of Penticton Building Bylaw No. 2018-01 at 972 Timmins Street (the "Property") legally described as Lot 1, District Lot 1 and 4 Similkameen Division Yale (Formerly Yale-Lytton), Plan 6464, Parcel Identifier 010-093-184, stating the following:*

"Failure to obtain building permit, which is a violation of City of Penticton Building Bylaw No. 2018-01. Further information about it may be inspect at the municipal hall."

2. *THAT Council under the authority of provided in section 73 of the Community Charter, declare the carriage house at the Property to be a hazardous condition as the structure is unpermitted, and potentially jeopardizes the health and safety of occupants.*
3. *AND FURTHER THAT Council require remedial action requirements of the owner of the Property, because of the declared hazardous condition constituted by the illegal structure, as follows:*
 - a. *Obtain a demolition permit to have the illegal structure removed or demolished, OR*
 - b. *Obtain a building permit within 90 days with the following requirements:*
 - i. *A Geotechnical Assessment*
 - ii. *A Structural Assessment*
 - iii. *Full exposure of plumbing systems*
 - iv. *Proof that the builder is registered with BC Housing*
4. *AND FURTHER THAT Council set the time limit for completing the remedial action requirements described in Recommendation No.3 to be no later than 4:30 PM (PT) on September 18, 2020.*
5. *AND FURTHER THAT Council, under the authority provided in section 17 of the Community Charter, authorize staff to take appropriate action to ensure that the Property is brought into compliance with remedial action requirements described in Recommendation No. 3 provided that:*

- a. *The property owner did not fully complete all remedial action requirements on or before the time limit specified in this Council resolution;*
 - b. *All costs incurred by the City to bring the Property into compliance at the expense of the property owner is recovered from the property owner as a debt owed to the City; and*
 - c. *All costs incurred by the City to bring the Property into compliance at the expense of the property owner is recovered from the property owner as a debt owed to the City; and*
 - d. *All costs incurred by the City to bring the Property into compliance at the expense of the property owner will be added to the Property taxes and deemed as taxes in arrears in accordance with section 258(1) (c) of the Community Charter.*
6. *AND FURTHER THAT Council set the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation No. 3 to be not later than 4:30 PM (PT) on August 14, 2020 pursuant to section 78 of the Community Charter.*

Supt. Hunter	10.3	RCMP Quarterly Report <i>Staff Recommendation: THAT Council receive into the record the report dated July 21, 2020 titled "RCMP Quarterly Report".</i>	77-80
Buzzell	10.4	Update on Library Services <i>Staff Recommendation: THAT Council receive into the record the report dated July 21, 2020 titled "Update on Library Services".</i>	81-82
Kleb/Pettet	10.5	Community Engagement Plan for the Transportation Master Plan <i>Staff Recommendation: THAT Council direct staff to proceed with the Community Engagement Plan outlined in the report titled "Community Engagement Plan for the Transportation Master Plan" for the transportation component of the Integrated Infrastructure Master Plan; AND THAT Council direct staff to proceed with that Community Engagement based around the Transportation Goals and Policies endorsed by the Official Community Plan.</i>	83-86
Chapman	10.6	FCM Asset Management Program Grant Application AMIP Update <i>Staff Recommendation: THAT Council direct staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program to update the City of Penticton Asset Management Investment Plan; AND THAT the City of Penticton commits to conducting the following activities in its proposed project submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program to advance our asset management program:</i> - <i>Update Asset Management Plan</i> <i>AND THAT the City of Penticton commits \$3,240 from its budget toward the costs of this initiative; AND FURTHER THAT the General Manager of Infrastructure and or the Chief Financial Officer be authorized to sign any required forms related to the grant application.</i>	87-88
Kozak	10.7	Fees & Charges Amendment Bylaw No. 2020-31 Re: Recreation Fees <i>Staff Recommendation: THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2020-31", a bylaw that charges a flat fee for all single reservation admissions for the Fitness Room and Aquatic Centre; AND THAT Council adopt "Fees and Charges Amendment Bylaw No. 2020-31"; AND THAT Council temporarily suspend the Specialized Admission Program fees as outlined in Division 7 and Admission to Facilities as outlined in Division 3 of the Parks, Recreation and Culture Fees and Charges Policy until such time as the CAO determines and advertises by way of Public Notice that it is appropriate to resume the subsidy programs.</i>	89-108
Bauer	10.8	2020-2022 Council Priorities <i>Staff Recommendation: THAT Council approve the 2020-2022 Council Priorities.</i>	109-112

11. **Recess Regular Council Meeting**
12. **Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.**
13. **Bylaws and Permits:**
- Laven 13.1 Zoning Amendment Bylaw No. 2020-27 113-114 2nd/3rd
 Re: 2475 Skaha Lake Road
14. **Staff Reports:**
- Bauer 14.1 Asset and Amenity Management Project Update 115-135
 Gordon Crystal, Colliers Project Leaders Inc.
Staff Recommendation: THAT Council receive into the record the report titled "Asset and Amenity Project Update" dated July 21, 2020.
- Bauer 14.2 2020 Auditor Appointment 136-138
Staff Recommendation: THAT Council appoints BDO Canada LLP as the City's Auditor for a three (3) year term with the option to extend the Service Agreement for up to two (2) additional years in one-year increments.
- Bauer 14.3 Second Quarter Corporate Business Plan Update 139-142
Staff Recommendation: THAT Council receive into record the report dated July 21, 2020 titled "Second Quarter Corporate Business Plan Update".
- Bauer 14.4 July 2020 Financial Update 143-152
*Staff Recommendation: THAT Council receive into the record the report titled "July 2020 Financial Update" dated July 21, 2020;
 AND THAT Council approve a budget increase of \$65,200 for the purchase of auto extrication equipment for the Fire department, to be funded from the capital reserve.*
- Laven 14.5 Metered parking program expansion 153-157
Staff Recommendation: THAT Council direct staff, in the preparation of the 2021 Business Plan, investigate expanding the metered parking program to the following areas:
- Downtown (Main Street, Ellis Street, Front Street, removing 1 hour free parking from Backstreet lot)
 - Lakeshore Drive and Okanagan Lake parking lots (Loco Landing, Lackawanna, Marina Way)
 - Skaha Park and Parkview Street
 - South Okanagan Event Centre (SOEC) Campus
 - Resident only parking areas (permits are currently provided at no charge)
- AND THAT Council direct staff to consult the general public on the financial tradeoffs of continuing to not charge for parking in areas with high usage;
 AND THAT Staff present the results of the public engagement and options for Council's consideration prior to the 2021 budget preparation.*
- Laven 14.6 Responsible Liquor Consumption in Public Places (Skaha Park) 158-164
*Staff Recommendation: THAT Council give first, second and third reading to "Liquor Consumption (Skaha Park) Bylaw No. 2020-28";
 AND THAT a Special meeting of Council be held on July 23, 2020 at 3:00 p.m. to adopt Bylaw No. 2020-28.*

Staff Recommendation:

1. *THAT Council approve the 2020 - 2022 Terms of Reference for the Agriculture Advisory Committee.*
2. *THAT Council approve the 2020 - 2022 Terms of Reference for the Arts, Creative & Cultural Innovation Advisory Committee.*
3. *THAT Council approve the 2020 - 2022 Terms of Reference for the Community Sustainability Advisory Committee.*
4. *THAT Council approve the 2020 - 2022 Terms of Reference for the Economic Prosperity and Development Services Advisory Committee.*
5. *THAT Council approve the 2020 - 2022 Terms of Reference for the Heritage & Museum Advisory Committee.*
6. *THAT Council approve the 2020 - 2022 Terms of Reference for the Parks & Recreation Advisory Committee.*
7. *THAT Council approve the 2020 - 2022 Terms of Reference for the Penticton and Ellis Creek Restoration Select Committee.*
8. *THAT Council approve the 2020 - 2022 Terms of Reference for the Safety and Security Advisory Committee.*

15. **Notice of Motion**16. **Business Arising**17. **Council Round Table**18. **Public Question Period**

*If you would like to ask Council a question with respect to items that are on the current agenda, please email mayor@penticton.ca before the conclusion of the meeting. Questions will be read in the order they are received. Please limit each question to approximately 60 words or less and use appropriate language.

19. **Adjournment****Adjournment to a Closed Meeting:**

Resolution: THAT Council adjourn to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

90(2) (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

Regular Council Meeting¹
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, July 7, 2020
at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Regrets: Councillor Kimberley

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Blake Laven, Director of Development Services
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:02 p.m.

2. Application of rules of procedure

190/2020

It was MOVED and SECONDED

THAT open meetings of the City of Penticton be conducted in person and/or by electronic means allowing members of Council to attend electronically if necessary;
AND THAT Council restrict public attendance at open meetings during the British Columbia provincial state of emergency in response to the COVID-19 pandemic as capacity in Council Chambers is limited when maintaining the physical distancing requirements;
AND THAT Council ensure openness, transparency, accessibility and accountability by recording and streaming open meetings on the City's website.

CARRIED UNANIMOUSLY

3. Adoption of Agenda

191/2020

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on July 7, 2020 as presented.

CARRIED UNANIMOUSLY

¹ In accordance with the Province of BC Ministerial Order No. M192, the Council of the City of Penticton is participating in the meeting without public attendance.

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:04 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:40 p.m.

6. Adoption of Minutes:

6.1 Minutes of the June 16, 2020 Regular Meeting of Council

192/2020

It was MOVED and SECONDED

THAT Council adopt the minutes of the June 16, 2020 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

193/2020

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the June 16, 2020 Public Hearing Meeting;
2. Safety and Security Advisory Committee Meeting Draft Minutes of June 15, 2020;
3. Community Sustainability Advisory Committee Meeting Draft Minutes of June 17, 2020;
4. Agriculture Advisory Committee Meeting Draft Minutes of June 17, 2020;
5. Release of Items from Closed Meeting:

THAT Council approve a \$2,000 cash grant for costs associated with insurance and an in-kind grant for outstanding city provided utility charges, to the Okanagan School of the Arts to facilitate the two month lease extension with School District 67 to allow for an orderly transition from the Shatford Centre and support the OSA in re-establishing its programming and contributions to a vibrant Penticton.

CARRIED UNANIMOUSLY

8. Correspondence:

8.1 RNL Investments Ltd. Village Square
Re: Compass House – 1706 Main Street

It was MOVED and SECONDED

THAT Council receive into the record the correspondence dated June 24, 2020 from RNL Investments Ltd. Village Square.

The motion was withdrawn.

194/2020

It was MOVED and SECONDED

THAT Council direct staff to present options to the Safety and Security Advisory Committee addressing the nuisance concerns raised in the correspondence from RNL Investments Ltd. Village Square.

CARRIED UNANIMOUSLY

9. Staff Reports:

9.1 Drought Management Plan

195/2020

It was MOVED and SECONDED

THAT Council approve the "City of Penticton Drought Management Plan" dated June 26, 2020 (Attachment A) as a guiding document.

CARRIED UNANIMOUSLY

9.2 Nanaimo Street Bridge and Penticton Creek

196/2020

It was MOVED and SECONDED

THAT Council request the Penticton Fly Fishers to ask the Regional District of Okanagan Similkameen Board to extend the grant deadline for the South Okanagan Conservation Fund Grant for the design of Penticton Creek Reach 3A Upper / 3B to December 31, 2020;
AND THAT Council authorize staff to design Penticton Creek Reach 3A Upper / 3B with the existing Nanaimo Avenue Bridge removed to allow for the passage of the 1:200 Year Design Flow;
AND THAT the Nanaimo Avenue bridge remain in place until the construction of Penticton Creek Reach 3A Upper / 3B;
AND THAT an evaluation and costing of options, public consultation and development of a recommendation to address the removal of the Nanaimo Avenue Bridge be considered in the 2022 budget process;
AND FURTHER THAT the construction of Penticton Creek Reach 3A Upper / 3B including how to address the removal of the Nanaimo Avenue Bridge be considered in the 2024 Budget process.

CARRIED UNANIMOUSLY

Mayor Vassilaki declared a conflict of interest as he owns a liquor store and left the meeting at 2:32 p.m. Deputy Mayor Robinson chaired the meeting.

9.3 Responsible Liquor Consumption in Public Places Pilot Results

197/2020

It was MOVED and SECONDED

THAT Council receive into the record the findings from the "Responsible Liquor Consumption in Designated Public Places – Pilot Project";
AND THAT Council give first, second and third reading to "Liquor Consumption (Okanagan Beach east of Power Street, Rotary Park, Okanagan Lake Park and Marina Way Park) Bylaw No. 2020-26", a bylaw that permits responsible consumption of liquor in designated public places from July through October 15, 2020 from 12 p.m. to 8 p.m.;
AND THAT a Special Council meeting to adopt Bylaw No. 2020-26 be held on Wednesday, July 8 at 3:00 p.m.

**CARRIED
Councillor Sentes, Opposed**

198/2020

It was MOVED and SECONDED

THAT Council support the recommendation from the Parks and Recreation Advisory Committee and direct staff to prepare a bylaw that allows for liquor consumption in a portion of Skaha Lake Park and the Ale Trail.

**CARRIED
Councillor Sentes, Opposed**

Mayor Vassilaki returned to the meeting at 3:05 p.m.

Council recessed the meeting at 3:06 p.m. and reconvened at 3:18 p.m.

9.4 Penticton Restart: Recreation & Culture Update

199/2020

It was MOVED and SECONDED

THAT Council receive into the record the report and accompanying presentation entitled 'Penticton Restart: Recreation & Culture Update', dated July 7, 2020.

CARRIED UNANIMOUSLY

9.5 Economic Recovery Task Force

200/2020

It was MOVED and SECONDED

THAT Council support the recommendation from the Economic Recovery Task Force to continue the COVID-19 recovery work within the existing Council Advisory Committee structure;

AND THAT Council direct staff to amend the terms of reference for the Economic Prosperity and Development Services Advisory Committee (EPDSAC) to include COVID-19 recovery as an area of focus for the Committee;

AND THAT Council thank the members of the Economic Recovery Task Force and invite any members not already on an advisory committee to apply.

CARRIED UNANIMOUSLY

9.6 Community Safety & Security Update

201/2020

It was MOVED and SECONDED

THAT Council receive into the record the report dated July 7, 2020 titled "Community Safety & Security Update".

CARRIED UNANIMOUSLY

9.7 Social Development Update

202/2020

It was MOVED and SECONDED

THAT Council receive into the record the report dated July 7, 2020 titled "Social Development Update".

CARRIED UNANIMOUSLY

9.8 Temporary Use Permit PL2019-8515 (Renewal)
Re: 813 Westminster Avenue West

Main Motion:

THAT Council approve "Temporary Use Permit PL2019-8515 (Renewal)", a permit to allow the use of 'motor vehicle sales and rental' for Lot 1 District Lot 2 Group 7 Similkameen Division

Yale (Formerly Yale-Lytton) District Plan 13891, located at 813 Westminster Ave West, for a three-year period;

AND THAT staff be directed to issue "Temporary Use Permit PL2019-8515 (Renewal)".

Amendment:

203/2020

It was MOVED and SECONDED

THAT Council amend the term to a one-year period.

**CARRIED
Councillor Sentes, Opposed**

Main Motion as amended:

204/2020

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit PL2019-8515 (Renewal)", a permit to allow the use of 'motor vehicle sales and rental' for Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 13891, located at 813 Westminster Ave West, for a one-year period;

AND THAT staff be directed to issue "Temporary Use Permit PL2019-8515 (Renewal)".

**CARRIED
Councillors Sentes and Watt, Opposed**

9.9 Zoning Amendment Bylaw No. 2020-27

Development Permit PL2020-8759

Re: 2475 Skaha Lake Road

205/2020

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2020-27", a bylaw to rezone Lot 2 District Lot 116 Similkameen Division Yale District Plan 9227, located at 2475 Skaha Lake Road from CT1 (Tourist Commercial) to C7 (Service Commercial), be given first reading and be forwarded to the July 21, 2020 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2020-27", a road dedication of 2.0m along the Skaha Lake Road frontage be registered with the Land Title Office;

AND THAT Council, subject to approval of "Zoning Amendment Bylaw No. 2020-27", approve "Development Permit PL2020-8759" for 2475 Skaha Lake Road, a permit to allow for the construction of a motor vehicle sales and rental business.

CARRIED UNANIMOUSLY

9.10 Development Variance Permit PL2020-8777

Re: 127 Acacia Crescent

206/2020

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2020-8777" for Lot B District Lot 249 Similkameen Division Yale District Plan 36766, located at 127 Acacia Crescent, a permit to increase the maximum height of a retaining wall within a required yard from 1.2m to 1.68m; AND THAT Council direct staff to issue "Development Variance Permit PL2020-8777".

CARRIED UNANIMOUSLY

9.11 Development Variance Permit PL2020-8767
Re: 642 Haywood Street

207/2020

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2020-8767" for Lot 4 District Lot 202 Similkameen Division Yale District Plan 447, located at 642 Haywood Street, a permit to reduce the minimum rear yard for a principal building from 6.0m to 4.37m, to allow for the construction of a two-storey addition onto the existing single detached dwelling;
AND THAT Council direct staff to issue "Development Variance Permit PL2020-8767".

CARRIED UNANIMOUSLY

9.12 Development Variance Permit PL2020-8765
Re: 674 Haywood Street

208/2020

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2020-8765" for That Part of Lot 7 Block 27 Outlined Red on Plan B5237; District Lot 202 Similkameen Division Yale District Plan 447, located at 674 Haywood Street, a permit to reduce the minimum rear yard setback for a principal building from 6.0m to 1.09m to allow for an addition on the single detached dwelling;
AND THAT Council direct staff to issue "Development Variance Permit PL2020-8765".

CARRIED UNANIMOUSLY

9.13 Development Variance Permit PL2020-8784
Re: 2696 and 2712 Skaha Lake Road

209/2020

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2020-8784" for Lots 2 and 3, District Lot 116, Similkameen Division Yale District Plan 21541, located at 2696 and 2712 Skaha Lake Road, a permit to vary Section 5.6.1.1.1 of Zoning Bylaw 2017-08 to increase the permitted fence height along the front lot line from 1.2m to 1.8m.;;
AND THAT Council direct staff to issue "Development Variance Permit PL2020-8784".

CARRIED UNANIMOUSLY

10. Bylaws and Permits:

10.1 Zoning Amendment Bylaw No. 2020-14
Development Permit PL2019-8680
Re: 154 Brunswick Street

210/2020

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2020-14";
AND THAT Council approve "Development Permit PL2019-8680".

CARRIED UNANIMOUSLY

10.2 Zoning Amendment Bylaw No. 2020-18
Development Variance Permit PL2020-8741
Development Permit PL2020-8740
Re: 175 Brunswick Street

211/2020

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2020-18";
AND THAT Council approve "Development Variance Permit PL2020-8741";
AND THAT Council approve "Development Permit PL2020-8740".

CARRIED UNANIMOUSLY

11. Notice of Motion:

11.1 From Mayor Vassilaki on March 3, 2020:

212/2020

It was MOVED and SECONDED

THAT bylaw services operate on Sundays from spring to fall.

CARRIED UNANIMOUSLY

12. Business Arising

13. Council Round Table

14. Public Question Period

15. Adjournment to a Closed Meeting:

213/2020

It was MOVED and SECONDED

THAT Council adjourn at 5:06 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Special Council Meeting¹
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Wednesday, July 8, 2020
at 3:05 p.m.

- Present:** Deputy Mayor Robinson
Councillor Bloomfield
Councillor Regehr
Councillor Watt
- Regrets:** Mayor Vassilaki
Councillor Kimberley
Councillor Sentes
- Staff:** Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Blake Laven, Director of Development Services
Caitlyn Anderson, Deputy Corporate Officer

1. Call Special Council Meeting to Order

The Deputy Mayor called the Special Council Meeting to order at 3:05 p.m.

2. Adoption of Agenda

214/2020

It was MOVED and SECONDED

THAT Council adopt the agenda for the Special Council Meeting held on July 8, 2020 as presented.

CARRIED UNANIMOUSLY

3. Bylaws and Permits:

- 3.1 Liquor Consumption (Okanagan Beach east of Power Street, Rotary Park, Okanagan Lake Park and Marina Way Park) Bylaw No. 2020-26

215/2020

It was MOVED and SECONDED

THAT Council adopt "Liquor Consumption (Okanagan Beach east of Power Street, Rotary Park, Okanagan Lake Park and Marina Way Park) Bylaw No. 2020-26".

CARRIED UNANIMOUSLY

¹ In accordance with the Province of BC Ministerial Order No. M192, the Council of the City of Penticton is participating in the meeting without public attendance.

4. Adjournment:

216/2020

It was MOVED and SECONDED

THAT Council adjourn the Special Council Meeting held on Wednesday, July 8, 2020 at 3:06 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Committee of the Whole
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, July 7, 2020

Recessed from the Regular Council Meeting at 1:00 p.m.

- Present:** Mayor Vassilaki
Councillor Bloomfield
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt
- Regrets:** Councillor Kimberley
- Staff:** Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Blake Laven, Director of Development Services
Caitlyn Anderson, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:05 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on July 7, 2020 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Staff Presentations:**

3.1 Travel Penticton Progress to Date

Thom Tischik, Executive Director, Travel Penticton provided Council with a presentation on their progress to date to welcome residents and visitors to Penticton during COVID-19.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held July 7, 2020 at 1:39 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Parks and Recreation Advisory Committee Meeting

Held via Zoom
Monday, July 6, 2020
at 3:00 p.m.

- Present:** Drew Barnes
Isaac Gilbert, Chair
James Palanio, Vice Chair
John Archer
Julia Barber
Lee Davidson
Michaela Wooldridge
Peter Osborne
Robert (Sandy) Ross
- Council Liaison:** Campbell Watt, Councillor
Frank Regehr, Councillor
- Staff:** Blake Laven, Director of Development Services
Bregje Kozak, Director of Recreation and Facilities
JoAnne Kleb, Engagement Strategist
Len Robson, Public Works Manager
Paula McKinnon, Legislative Assistant
- Regrets:** Gary Dean
Jake Kimberley, Councillor
Laura Harp
Tyson Bull

1. **Call to Order**

The Parks and Recreation Advisory Committee was called to order by the Chair at 3:00 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee adopt the agenda for the meeting held on July 6, 2020 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee adopt the minutes of the June 1, 2020 meeting as presented.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

5. **New Business**

5.1 Edmonton Avenue Centre (Kiwanis Park) Update

The Director of Development Services and the Engagement Strategist provided the Committee with an update regarding the Edmonton Avenue Centre. The Committee was informed that the City has entered into a memorandum of understanding with One Sky Community Resources, a draft design was completed by Landform Architecture and that a grant application has been submitted.

The Engagement Strategist briefly reviewed the community engagement plan.

Members inquired about the school pick-up and drop-off traffic, amount of childcare that will be available through the center, catchment area and clarification on the zoning designation.

5.2 Responsible Consumption Pilot Project Discussion

The Director of Development Services and the Engagement Strategist provided the Committee with a presentation on the Responsible Consumption Pilot Project findings and community engagement results as well as a summary of the Parks and Recreation Advisory Committee members feedback. The Committee was informed of the next steps which include three options for Council's consideration at the July 7, 2020 regular meeting.

Members at large inquired about the need for clearer signage and messaging in the community, the possibility of including portions of Skaha Lake Park, review of enforcement and promotion, reported RCMP/Bylaw incidents, increasing garbage and recycling cans in approved areas and impacts on tourism.

A member at large expressed concerns regarding the value of preserving the peace of the parks.

Discussions ensued regarding the three options being presented to Council and the possibility of expanding the pilot project to a portion of Skaha Lake Park and the Ale Trail.

Main Motion:

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee support the continuation of the responsible liquor consumption in designated public places program, in the current locations.

Continued...

5.2 Responsible Consumption Pilot Project Discussion - Continued

Amendment:

It was MOVED and SECONDED

That the following language be inserted: "...and a portion of Skaha Lake Park under the discretion of City of Penticton Staff."

CARRIED
Opposed: Peter Osborne

Amendment:

It was MOVED and SECONDED

THAT the following language be inserted: "...and the Ale Trail".

CARRIED
Opposed: Lee Davidson, Peter Osborne, Sandy Ross, Isaac Gilbert

Amendment:

It was MOVED and SECONDED

THAT the following language be inserted: "AND THAT Council consider the inclusion of...".

CARRIED
Opposed: Peter Osborne

Main Motion as Amended:

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee support the continuation of the responsible liquor consumption in designated public places program, in the current locations;

AND THAT Council also consider the inclusion of a portion of Skaha Lake Park under the discretion of City of Penticton Staff and the Ale Trail.

CARRIED
Opposed: Peter Osborne

5.3 Maintaining Public Washrooms

It was MOVED and SECONDED

THAT Item 5.3 - Maintaining Public Washrooms be tabled to the next Committee meeting.

CARRIED UNANIMOUSLY

6. **Council Outcome**

7. **Next Meeting**

The next Parks and Recreation Advisory Committee meeting is scheduled to be held on August 4, 2020 at 3:00 p.m.

9. **Adjournment**

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee adjourn the meeting held on Wednesday, July 6, 2020 at 4:46 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

DRAFT

Heritage & Museum Advisory Committee Meeting

held via Zoom
Wednesday, July 8, 2020
at 1:00 p.m.

Present: Anne Hargrave, Member at Large
Arlana Tanner, SS Sicamous Marine Heritage Society Representative (*Vice Chair*)
Karen Collins, Shatford Centre and Okanagan School of Arts Representative
Gerald Buzzell, Member at Large

Council: Judy Sentes, Councillor (*Liasion*)

Staff: Blake Laven, Director of Development Services
Bregje Kozak, Director of Recreation and Facilities
Paula McKinnon, Legislative Assistant

Regrets: Brad Hillis, Leir House Representative (*Chair*)

Guest: Randy Manuel

1. **Call to Order**

The Heritage & Museum Advisory Committee was called to order by the Vice Chair at 1:01 p.m.

2. **Application of Rules of Procedure**

It was MOVED and SECONDED

THAT the Heritage and Museum Advisory Committee temporarily suspend the voting at meeting procedures (Council Procedure Bylaw No. 2018-35 25(1)(b)) and when ready to vote and the question is called those in favor will say "in favor" and those opposed will say "opposed" for the duration of the British Columbia provincial state of emergency in response to the COVID-19 pandemic.

CARRIED UNANIMOUSLY

3. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Heritage and Museum Advisory Committee adopt the agenda for the meeting held on July 8, 2020 as amended to include items 5.2 – Light Scrolls, 5.3 – Heritage Sites Register Update and 5.4 – Street Naming Process.

CARRIED UNANIMOUSLY

4. **Adoption of Minutes**

4.1 Minutes of the February 11, 2020 Heritage and Museum Advisory Committee

It was MOVED and SECONDED

THAT the Heritage and Museum Advisory Committee adopt the minutes of the February 11, 2020 meeting as presented.

CARRIED UNANIMOUSLY

5. **New Business**

5.1 City of Penticton Heritage Registry – Blake Laven, Director of Development Services

The Director of Development Services provided the Committee with a presentation on the City of Penticton Heritage Registry which resulted from a Council direction to refer review and clarification of the City of Penticton Heritage Registry to the Committee to identify how to improve the understanding of heritage properties within the community.

Members at large commented about the GIS Mapping Public Parcel Viewer not being very user friendly which could benefit having a how-to guide and Heritage page on the website should be updated as well to include the GIS Mapping system as an avenue for learning about heritage properties in the City.

A member at large spoke to what properties are protected and how. All Penticton heritage registered sites are now posted on the Federal Site and Provincial Site however the Staff was made aware that the links to the Penticton properties is broken on the Federal site.

Discussions ensued regarding educating heritage property owners by providing information on what incentives are available to them to remain listed on the registry, exploring Heritage Protection Bylaws and a potential education campaign that would include engaging owners of heritage properties, the real-estate industry and the community at large.

It was MOVED and SECONDED

THAT the Heritage and Museum Advisory Committee recommend to Council that Council, City Staff and the Heritage and Museum Advisory Committee work to create a plan to engage the real-estate community and community at large in a public education campaign on heritage matters.

CARRIED UNANIMOUSLY

5.2 Light Scrolls Update – Anne Hargrave, Member at Large

Ms. Hargrave, Member at Large, notified the Committee and City Staff that funding through the BC Heritage Fund may be available next year for restoring the light scrolls. Ms. Hargrave also inquired whether it would be timely to work towards including the light scrolls on the City of Penticton Heritage Register.

City staff to provide the Committee with an update on the status of the light scrolls.

5.3 Heritage Sites Document – Anne Hargrave, Member at Large

Anne Hargrave, Member at Large, informed City Staff that the City of Penticton’s re-activate the link to the records shown on the Canadian Register of Historic Places site.

5.4 Street Naming Process – Blake Laven, Director

The Director of Development Services informed the Committee that a Street Naming bylaw was approved by Council two years ago which acknowledges a street naming list with the purpose of providing developers with names of significance to choose from. The Committee was also informed that should a developer propose a name that is not included in the street naming list that it would be referred to the Committee for consideration.

Mr. Manuel, Consulting Guest, provided valuable historic information on the inquiry from the City’s Building Department regarding the area around 2725 Dartmouth Drive. The Director of Development Services informed the Committee that the developer has chosen three potential street names for consideration that include Falcon Court, Hawk Court and Grouse Place.

A member at large proposed Phipps and Smuin which are two family names that fit the history of the proposed area. The Committee was informed that the name Phipps is included in the street naming list, however, Smuin is not.

It was MOVED and SECONDED

THAT the Heritage and Museum Advisory Committee recommend that Phipps and Smuin be considered as potential street names with historic attachment by the developer for the area around 2725 Dartmouth Drive.

CARRIED UNANIMOUSLY

6. **Next Meeting**

The next Heritage and Museum Advisory Committee meeting, if required, will be held on August 5, 2020 at 1:00 p.m.

7. **Adjournment**

The Heritage & Museum Advisory Committee meeting held on Wednesday, July 8, 2020 adjourned at 2:37 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

Economic Prosperity and Development Services Advisory Committee Meeting

to be held via Zoom

Friday, July 10, 2020

at 8:00 a.m.

Present:

Frank Conci (*Chair*)
Sharon Fletcher (*Vice Chair*)
Chris Allen
Nathan Little
Jeff McGinley
Sandra Oldfield
Diane Kereluk
Derek Badger
Eric Corneau
Drew Barnes

Council Liaison:

Campbell Watt, Councillor (*Liaison*)
John Vassilaki, Mayor (*Liaison*)

Staff:

Blake Laven, Director of Development Services
Paula McKinnon, Legislative Assistant
Andrew Kemp, Economic Development Specialist
Audrey Tanguay, Planning Manager
Nicole Capewell, Planner 1

Regrets:

Brian Murphy
Jonathan Rheaume
Judy Richards
Larry Olson
Taras Kinash
Manda Maggs

1. **Call Regular Committee Meeting to Order**

The Economic Prosperity and Development Services Advisory Committee meeting was called to order by the Chair at 8:22 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Economic Prosperity and Development Services Advisory Committee adopt the agenda for the meeting held on July 10, 2020 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

- 3.1 Minutes of the June 5, 2020 Economic Prosperity and Development Services Advisory Committee

It was MOVED and SECONDED

THAT the Economic Prosperity and Development Services Advisory Committee adopt the minutes of the June 5, 2020 meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

- 4.1 May 2020 Monthly Building Statistics

This item was provided for information purposes only.

- 4.2 Official Community Plan Amendment – Blake Laven, Director of Development Services
Re: 877 Westminster Avenue West (El Rancho)

The Director of Development Services provided the Committee with a presentation on the first proposed 2019 Official Community Plan Amendment for 877 Westminster Avenue West (El Rancho) designation from Tourist Commercial to Urban Residential zoning.

Members at large inquired about the zoning designation, short-term rentals, developer's responsibilities in regards to the streetscape design, if the City has canvassed local hoteliers, economic factors behind other business owners' intentions within the proposed area, keeping a portion of the development as Tourist Commercial to allow for hotel accommodations or a Co-Work Centre to support the Penticton Trade and Convention Centre, if discussions have taken place with BC Housing for low-income housing options and the timeline on the process and engagement.

Discussions ensued regarding the potential risks of supporting the Urban Residential zoning designation prior to seeing any conceptual plans.

It was MOVED and SECONDED

THAT the Economic Prosperity and Development Services Advisory Committee support a change in Official Community Plan designation for 877 Westminster Avenue from Tourist Commercial to Urban Residential.

CARRIED UNANIMOUSLY

- 4.3 Airport Recovery Strategy – Blake Laven, Director of Development Services

This item was deferred to the August 21, 2020 Committee meeting.

- 4.4 Committee Work Plan/Objectives Review – Frank Coni, Chair

The Chair asked Committee members to review the attached Committee work plan calendar and identify items from previous months that should be brought forward for discussion in August.

Members at large brought forward the following items:

- Simplifying Processes to promote and attract more development
- COVID-19 Economic Recovery

- Future Biz – Explore Options for Online Forum

5. **Next Meeting**

The next Economic Prosperity and Development Services Advisory Committee meeting is scheduled to be held on Friday, August 21, 2020 at 8:00 a.m.

6. **Adjournment**

It was MOVED and SECONDED

THAT the Economic Prosperity and Development Services Advisory Committee adjourn the meeting held on July 10, 2020 at 9:24 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

Special Safety and Security Advisory Committee Meeting

held via Zoom
Wednesday, July 15, 2020
at 10:00 a.m.

- Present:** Adam Power, Member at Large
Daryl Clarke, Chamber of Commerce
Deirde Riley, Member at Large (*Vice Chair*)
Lynn Allin, Downtown Penticton Association
Matt Taylor, Member at Large (*Chair*)
Nicolette Rodriguez, Member at Large
- Council Liaisons:** Katie Robinson, Councillor
John Vassilaki, Mayor
- Staff:** Kerri Lockwood, Director, People and Community Safety Strategy
Blake Laven, Director of Development Services
Adam Goodwin, Social Development Specialist
Tina Siebert, Bylaw Supervisor
Larry Watkinson, Fire Chief, Penticton Fire Department (*Left the meeting at 10:50 a.m.*)
Staff-Sgt Kirsten Marshall, RCMP
Cst. James Grandy, Mental Health Liaison, RCMP
Paula McKinnon, Legislative Assistant
Cheryl Hardisty, Executive Assistant to the CAO
- Regrets:** Jake Kimberley, Councillor
Cheryl Watts, Member at Large

1. **Call to Order**

The Special Safety and Security Advisory Committee meeting was called to order by the Chair at 10:03 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Safety and Security Advisory Committee adopt the agenda for the meeting held on July 15, 2020 as presented.

CARRIED UNANIMOUSLY

3. **New Business**

3.1 RNL Investments Ltd. Village Square Re: Compass House – 1706 Main Street

The Chair informed the Committee that at the July 7, 2020 regular meeting, Council referred the above mentioned correspondence to the Safety and Security Advisory Committee for staff to present options for the Committee to consider regarding the Compass House nuisance concerns raised from RNL Investments Ltd. Village Square.

The Director of Development Services provided the Committee with background information on housing needs in the community, homelessness count and response leading to Compass Court and further need for supported and other housing. Mr. Laven also provided a brief overview on the City's involvement and support of the location as well as the organization of the Compass House.

The Bylaw Supervisor provided the Committee with background information on the impacts of homelessness and the Bylaw Department's experience with homelessness. The Bylaw Supervisor informed the Committee that a new Safe Streets Bylaw is currently being drafted with members across the province through the License Inspector and Bylaw Officers Association of BC (LIBOA).

The Social Development Specialist provided the Committee with background information on managing to ending homelessness from other communities with measureable success. The communities mentioned included Edmonton and Medicine Hat. The Committee was also provided with a brief statistic as to how Penticton rated with homelessness compared to other communities in BC.

Members at Large inquired about the definition of homelessness, whether homelessness is the issue or the crime taking place as a result of it, difference between shelter and housing and whether experimental data exists regarding the co-located model.

Councillor Robinson informed the Committee that the Letter of Intent from the applicant (attachment D), included within the report titled "Zoning Amendment Bylaw No. 2017-50" and dated August 1, 2017, states that the shelter programs will have 24-hour staff. Councillor Robinson proposed that the 24-hour staff should include support staff as well as security staff which currently is not present.

The Chair asked members to share any potential solutions that are not included in the Director of People and Community Safety Strategy's agenda document. A member at large proposed enforcing law for arresting individuals for open alcohol and/or drugs. Kirsten Marshall, Staff-Sgt., informed the Committee that the RCMP must be very careful using their authority for arrests and will only arrest when people are risking their own safety or the safety of people around them. Another member at large proposed reviewing the City's Good Neighbor Bylaw specifically for nuisance and associated fees.

The Chair inquired whether the current owner has a business license and whether the owner has been asked to provide a plan. The Director of Development Services informed the Committee that the Penticton and District Society for Community Living (PDSCL) (not-for-profit organization) is run by an Executive Director who reports to a board and provides many services throughout the community, including housing. He further indicated that while PDSCL is not

required to have a business license, they do have a Not-For-Profit Operating Certificate from the City.

The Chair also asked that a copy of the draft Safe Streets Bylaw that is presently under development, be circulated to the Committee.

It was MOVED and SECONDED

THAT the Safety and Security Advisory Committee table further discussion to the next Committee meeting scheduled on July 20, 2020 at 10:30 a.m.

CARRIED UNANIMOUSLY

4. **Adjournment**

It was MOVED and SECONDED

THAT the Safety and Security Advisory Committee adjourn the meeting held on Wednesday, July 15, 2020 at 11:37 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

Safety and Security Advisory Committee Meeting

held via Zoom
Monday, July 20, 2020
at 10:30 a.m.

- Present:** Adam Power, Member at Large
Daryl Clarke, Chamber of Commerce
Deirde Riley, Member at Large (*Vice Chair*)
Lynn Allin, Downtown Penticton Association
Matt Taylor, Member at Large (*Chair*) (*Left the meeting at 12:05 p.m.*)
Nicolette Rodriguez, Member at Large
Cheryl Watts, Member at Large
- Council Liaisons:** Katie Robinson, Councillor
John Vassilaki, Mayor
- Staff:** Kerri Lockwood, Director, People and Safety Strategy
Blake Laven, Director of Development Services (*Left the meeting at 11:34 a.m.*)
Adam Goodwin, Social Development Specialist
Tina Siebert, Bylaw Supervisor
Larry Watkinson, Fire Chief, Penticton Fire Department
Staff-Sgt Kirsten Marshall, RCMP
Paula McKinnon, Legislative Assistant
Donny van Dyk, Chief Administrative Officer (*Left the meeting at 11:06 a.m.*)
Cheryl Hardisty, Executive Assistant to the CAO
- Regrets:** Jake Kimberley, Councillor

1. **Call to Order**

The Safety and Security Advisory Committee was called to order by the Chair at 10:33 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Safety and Security Advisory Committee adopt the agenda for the meeting held on July 20, 2020 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of June 15, 2020 Safety and Security Advisory Committee

It was MOVED and SECONDED

THAT the Safety and Security Advisory Committee adopt the minutes of the June 15, 2020 meeting as presented.

CARRIED UNANIMOUSLY

3.2 Minutes of July 15, 2020 Special Safety and Security Advisory Committee

It was MOVED and SECONDED

THAT the Safety and Security Advisory Committee adopt the minutes of the July 15, 2020 special meeting as presented.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

4.1 Item tabled from July 15, 2020 Special Committee Meeting

Re: RNL Investments Ltd. Village Square re Compass House – 1706 Main Street

The Director of People and Community Safety Strategy presented one draft recommendation at a time for the Committee's consideration.

The Director of Development Services entered the meeting at 10:47 a.m.

The Safety and Security Advisory Committee recommend that Council implement the following items in response to the ongoing issues surrounding the Emergency Shelter at Compass House (aka Compass Court):

It was MOVED and SECONDED

1. THAT Council direct staff to research options for amending the 'Good Neighbour' Bylaw (and/or other bylaws that are applicable) to address excessive loitering and nuisance activities occurring outside of Compass Court.

CARRIED

Nicolette Rodriguez, Opposed

It was MOVED and SECONDED

2. THAT Council direct staff to research establishing a community 'Family Reunification Fund' to support the City's vulnerable population in reuniting with family in their home in other communities.

CARRIED

Daryl Clarke, Lynn Allin and Adam Power, Opposed

Continued...

It was MOVED and SECONDED

3. THAT Council support a 'Crime Prevention Through Environmental Design' (CPTED) analysis completed by municipal RCMP on the Compass Court property and at the neighbouring property (RNL Investments Ltd. Village Square) (at no charge to either property).

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

4. THAT Council continue to support City Staff's efforts to encourage BC Housing Management Commission ("BC Housing") to continue with its 24-hour security neighbourhood pilot project, including regular patrols of the neighbouring properties.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

5. THAT Council endorse City staff's plan to send a letter to Penticton and District Society for Community Living (PDSCL) calling for PDSCL to fulfill the commitments, if still applicable, made in a meeting that took place on September 12, 2019, with the City and RCMP.

**CARRIED
Nicolette Rodriguez, Opposed**

It was MOVED and SECONDED

6. THAT Council send a letter to the Interior Health Authority (IHA) Board stating that the Main Street Compass Court site was approved with the understanding of IHA's investment/participation in supports – both by IHA having a physical presence on the site and a financial investment – and encouraging IHA to follow through on its commitments to the site; and

THAT Council direct City staff to write a letter to Interior Health Authority (IHA) staff stating that the Main Street Compass Court site was approved with the understanding of IHA's investment/participation in supports – both by IHA having a physical presence on the site and a financial investment – and encouraging IHA to follow through on its commitments to the site.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

7. THAT Council send a letter to Penticton and District Society for Community Living (PDSCL) calling for PDSCL to fulfill the commitments outlined in the August 1, 2017 Council Report, Zoning Amendment Bylaw No. 2017-50 (File No. RTZ PL2017-8009). See the Council Report attached.

CARRIED UNANIMOUSLY

Continued...

It was MOVED and SECONDED

8. THAT Council send a letter from the Mayor to the Board Chair of PDSCL, Lesley Dyck, outlining the City of Penticton's expectations of PDSCL to address the many concerns being brought to Council regarding the Compass Court property.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

9. THAT Council send a letter from the Mayor to the Minister of Municipal Affairs and Housing, the Honourable Selina Robinson, and the Minister of Small Business and Export Promotion, the Honourable Mary Ng, outlining the City of Penticton's expectations of PDSCL and BC Housing to address the many concerns being brought to Council regarding the Compass Court property.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

10. THAT Council direct City staff to work with IHA and other community partners to advocate, in a coordinated effort, to the Ministry of Health for increased funding for new, integrated health supports focused on individuals' permanent housing stability.

CARRIED UNANIMOUSLY

The Chair left the meeting and Vice Chair Deirde Riley assumed position of Chair for the remainder of the meeting at 12:05 p.m.

It was MOVED and SECONDED

11. THAT Council send a letter from the Mayor to request that the Minister of Health fund, as it does in some communities, the municipality's costs associated with community sharp clean-ups efforts.

CARRIED

Lynn Allin, Nicolette Rodriguez, Opposed

5. **New Business**

6. **Next Meeting**

The Next Safety and Security Advisory Committee meeting is scheduled to be held on August 17, 2020 at 10:30 a.m.

7. **Public Question Period**

8. **Adjournment**

It was MOVED and SECONDED

THAT the Safety and Security Advisory Committee adjourn the meeting held on Monday, July 20, 2020 at 12:10 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Deputy Director of Development Services
Address: 1531 Fairview Road

File No: RMS - Civic

Subject: Section 57 Notice on Title – Contraventions against the Building Bylaw

Staff Recommendation

THAT Council resolve to place a Notice on Title under Section 57 of the *Community Charter* with respect to the contravention of the City of Penticton *Building Bylaw No. 2018-01* on Lot A, District Lot 5 SDYD, Plan 29917, located at 1531 Fairview Road (the *Property*), stating the following:

“Failure to obtain a building permit, which is a violation of City of Penticton Building Bylaw No.2018-01, Further information about it may be inspected at the municipal hall.”

Executive Summary

This report recommends that pursuant to section 57 of the *Community Charter*, a Notice be registered with the Land Title and Survey Authority against the *Property* for failure to comply with the City of Penticton *Building Bylaw No. 2018-01* and the *British Columbia Building Code*, contraventions which are related to the safety of the building on the property. This report recommends Council support the notice and provide the property owner, the registered owner, with an opportunity to be heard.

Strategic priority objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Background

Base Building – Fire Suppression

It is the position of the Penticton Fire Department that 1555 Fairview Road is now more than two years overdue for its annual fire inspection. The City's records indicate that the last annual inspection of the subject property was conducted on July 19, 2017. The results of the inspection were that three deficiencies involving the annual servicing of the sprinkler system were discovered by the Fire Inspector. In addition, because of the changes to the use, storage, and building revisions over the years, an evaluation of the sprinkler system by a professional engineer was required as per section 4.1.6 of the *NFPA 25*. In the registered owner's e-mail dated December 17, 2019 to the Deputy Director of Development Services, there was an assertion that Southern Mechanical Services Incorporated, operating under the oversight of a Professional Engineer, were progressing with the sprinkler system. A report on the condition of the sprinkler system was to be presented to the Deputy Director of Development Services in the New Year. As of June 16, 2020, the City has yet to receive the report on the sprinkler system from the registered owner.

#112 – 1555 Fairview Road Penticton

On August 21, 2019, a Building Official, met with the owner of Custom Countertops Limited, for a Business Licence inspection at #112 – 1555 Fairview Road.

During that investigation, the Building Official observed the following deficiencies:

1. No fire separation of the adjacent suite required upgrading,
2. The existing fire sprinkler system required a review by a professional engineer as per *NFPA 25*,
3. No routine inspection by the Fire Department
4. No process and/or materials evaluation as per 4.1.6. of *NFPA 25*, which requires a professional engineer or architect.

On September 26, 2019, the Building Official had a site meeting with a contractor for Custom Countertops Limited for a Business Licence inspection at #112 – 1555 Fairview Road. The Business Licence could not be approved by the Building Official as the deficiencies from the August 21, 2019 were still outstanding, and a Building Permit was required to complete the fire separation between Custom Countertops Limited and Outdoor Living Manufacturing Limited

#5 – 1555 Fairview Road

In addition, Outdoor Living Manufacturing Limited's Building Permit, BP010603, for the enclosure of the loading dock at #5 – 1555 Fairview Road, is still listed as "on hold", due to a variance to reduce the front yard setback being required to allow the structure. Before a variance could be allowed, the following was required:

1. A Code Review,
2. The specific use of the addition, which may require a different construction type, fire separation, or increased setback,
3. Insulation,
4. The removal of the metal roof,
5. Footings may be required,
6. The construction value,
7. A Letter of intent updated to reflect the actual setback.

Planning staff also concluded a technical review of the variance application, and the significant issues raised by the Penticton Fire Department were a prerequisite that needed to be addressed. The registered owner was informed that before issuing a permit for this building or subsequent buildings on the site, approval from the Fire Department would be required. Given that approval from the Penticton Fire Department was not granted, planning staff were unable to recommend support for the variance request for a reduced front yard setback. The variance application has remained on hold as Development Services staff attempted to work with the registered owner to agree on a way to compliance.

1531 Fairview Road

Building Permit BP9014-05, which was for an addition to an existing commercial building at 1531 Fairview Road, was expired as incomplete due to the failure to provide us with the following inspections:

1. Plumbing Inspection
2. Framing Inspection
3. Insulation/Vapour Barrier Inspection
4. Completion Inspection

The following documents were also required:

1. Schedule CA & CB
2. Architectural
3. Schedule CV
4. Geotechnical & Structural

On March 8, 2019, BP010639 was issued for the construction of a new 32 ft. by 32 ft. commercial warehouse at 1531 Fairview Road. As no inspections were called for since the issuance of the Building Permit, BP010639 was cancelled.

City of Penticton – Building Bylaw No. 2018-01

As outlined within the *Community Charter*, local governments have the authority to regulate construction. This power is exercised through the City of Penticton *Building Bylaw No. 2018-01*:

- 7.1 A person must not commence or continue any construction, alternation, excavation, reconstruction, demolition, removal, relocation or change the use of the occupancy of any building or structure, including other work related to
- (a) Except in conformity with the requirements of the Building Code and this bylaw; and
 - (b) Unless a building official has issued a valid and subsisting permit for the work under this bylaw.

City of Penticton - Fire and Life Safety Bylaw No.2004-57

In the *Fire Services Act*, the fire commissioner's local assistants may enter any premises where the premises are so used or occupied that fire would endanger life or property, or a premise where a fire hazard exists. Under the *Community Charter*, local governments also have the authority, through a bylaw, to authorize the municipal fire chief or another designated person to enter on property and inspect premises for conditions that may cause fire, increase the danger of a fire, or increase the danger to persons or property from a fire. This power is exercised through the City of Penticton *Fire and Life Safety Bylaw No. 2004-57*:

7.02 Right to Inspect

The fire Chief and each member of the Fire Department is hereby authorized to enter upon any property at all reasonable times in order to ascertain whether the requirements are being obeyed in addition to the powers vested in them by the *Fire Services Act* and are hereby authorized and empowered to inspect property and premises for conditions which may cause fire or increase the danger of a fire or increase the danger to persons and to deal with any matter within the scope of the *Fire Services Act* in a manner not repugnant to any provision of the *Fire Services Act* or regulations there under.

Furthermore, fire protection equipment for Buildings is required under 6.16 of the City of Penticton *Fire and Life Safety Bylaw No. 2004-57*:

6.16 Buildings

(a) Fire Protection Equipment:

- i. Is required for the protection of any building or occupancy,
- ii. Shall meet the standards of the B.C. Building Code, B.C. Fire Code Regulations and any other code or bylaw adopted by the City,
- iii. Shall be installed in accordance with good engineering practices, and be placed in a location satisfactory to the Fire Chief.
- iv. Notwithstanding the absence of specific regulations, code or bylaws, good engineering practices shall be observed in the development and maintenance of buildings, water supply systems, fire

protection systems and means of access for Fire Department Apparatus and Equipment to the satisfaction of the Fire Chief.

Section 57 Note against Title

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of a property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future purchasers and to protect taxpayers against potential claims with regard to the regulations contravened.

A Notice on Title may be filed where the following conditions are observed:

- Construction has begun on a property without a valid building permit;
- Construction deficiencies noted during an inspection have not been corrected;
- Covering construction without required inspections;
- Modify construction in contravention of approved permits;
- A permit has expired and the owner refuses to reapply for a new permit; or
- Any such circumstances as the Chief Building Inspector may deem necessary.

If a municipality is considering filing a Section 57 Notice it is required to notify the affected property owner(s) and provide the owner(s) with an opportunity to address the Council before the Council considers the staff's recommendation to file the Section 57 Notice.

Refer to Attachment G for a complete outline of Section 57 of the *Community Charter*.

Financial implication

The City's expenditure to registering a Notice on Title is \$74.16 plus staff time.

Analysis

During the course of this enforcement action, staff have followed Council's approved *Building Compliance Policy* as well as best practices provided by the *Licence Inspectors and Bylaw Enforcement Association of British Columbia*.

As further enforcement tactics have not brought the property into a safe, conforming situation, staff are now recommending a notice on title and would like Council to consider the following information when considering this action:

- The potential safety risks related to occupants, emergency responders and to neighbouring properties for works completed without permits;
- The potential for legal claims as a result of injury or damage to property if the City did not choose to enforce;
- The reputation of not enforcing bylaws to ensure compliance with City and Provincial health and safety regulations;
- Chronology of Events that details actions staff have taken to remedy the safety concerns (Attachment A);
- Involvement of third parties such as the BC Technical Safety Authority and WorkSafe BC.

Under authority of the *Community Charter*, it is appropriate for Council to consider a resolution to place a Notice on Title for the fire and life safety violations and the unpermitted construction at #112 – 1555 Fairview Road; BP010603 being on hold for 5- 1555 Fairview Road; and the expiry of BP9014-05 for 1531 Fairview Road. As the owner and business operator have not contacted city staff to resolve this matter, staff are recommending the registration of the Section 57 due to the history of non-compliance. When the works

have been completed, then the Notice on Title can be requested to be removed by the property owner under Section 58 of the Community Charter (Attachment F).

Staff will also look at further enforcement such as remedial action, should the works not be brought into compliance in a realistic timeframe.

Attachments

- Attachment A – Chronology of Events to December 12
- Attachment B – Warning Letter dated April 2, 2020
- Attachment C – Summary of Bylaw and Code Requirements for 1555 Fairview Road dated July 3, 2019
- Attachment D – BP9014-05 Expiry Letter dated March 5, 2019
- Attachment E – Addressing Plan
- Attachment F – Community Charter – Section 57 – Notice on Title

Respectfully submitted,

Ken Kunka ASCT, RBO
Deputy Director of Development Services

Concurrence

Director of Development Services <i>BL</i>	Acting Chief Administrative Officer JB
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Attachment A – Chronology of Events to December 2012

Chronology of Events

With respect to 1531, 1555, and 1575 Fairview Road

Date of Documentation	Description	Associated Document
June 12, 2020	Staff has had no further communication with the registered owner	
April 14, 2020	To the registered owner a Licensing and Property Use Inspector sent an e-mail that encouraged the registered owner to commit to corrective action by producing the report on the condition of the sprinkler system for 1555 Fairview Road and/or allowing the Penticton Fire Department to inspect the property.	
April 14, 2020	A Licensing and Property Use Inspector received an e-mail from the registered owner who stated that the Licensing and Property Use Inspector’s concerns and response were “disappointing”, and that the registered owner looked forward to providing Council with the background and information.	
April 9, 2020	A Licensing and Property Use Inspector received a voice message from the registered owner who confirmed receipt of the Licensing and Property Use Inspector’s letter dated April 2, 2020.	
April 2, 2020	A letter warning of a Notice on Title due to the fire and life safety violations and the unpermitted construction at #112 – 1555 Fairview Road; BP010603 being on hold for 5-1555 Fairview Road; and the expiry of BP9014-05 for 1531 Fairview Road, is sent to the registered owner . Contact is requested to be made by April 20, 2020.	Letter dated April 2, 2020
January 31, 2020	CFS #170010 was re-assigned to the Licensing and Property Use Inspector for follow up.	
January 6, 2020	The Deputy Director of Development Services, placed a Notice on the Tax Certificate for 1555 Fairview Road. The Notice on the Tax Certificate reads as follows: <i>“Notification – Bylaw Infraction – This property does not comply with the City of Penticton Bylaws. Please contact the City Property Use – Licence Inspector with CFS File No.170010 for further information.”</i>	
December 17, 2019	In an e-mail to the Deputy Director of Development Services, the registered owner advised that Southern Mechanical Ltd. were currently upgrading the sprinklers, under the direction of a Code Consultant and Professional Engineer. The registered owner asserted that a report would be available for the Deputy Director of Development Services in the new year.	

<p>November 13, 2019</p>	<p>The registered owner , sent an e-mail to a Building Official that stated a walk through had been completed with Southern Mechanical Ltd. and a Professional Engineer during the last week. The registered owner expect to be able to share information with a Building Official soon.</p>	
<p>October 1, 2019</p>	<p>The registered owner sent an e-mail to a Building Official. In the e-mail, the registered owner admitted that the “tempest all started when OLM enclosed a 300 sq. ft. loading dock without permit” and that the City had requested an engineer for OLM’s permit application. The registered owner claimed that Outdoor Living Manufacturing (OLM) had not received an update about variance application for 1555 Fairview Road. The registered owner claimed that OLM would demolish offending small structure and relocate business operations to Maple Ridge.</p>	
<p>October 1, 2019</p>	<p>A Building Official sent an e-mail to the registered owner regarding September 10, 2019 meeting. The Building Official thanked the registered owner for meeting with Mann on September 10, 2019 to discuss the business licence application submitted by Chris Bradford of Custom Countertops, the registered owner’s commitment to upgrade the fire separation between Unit #112 and Unit #5 of 1555 Fairview Road, and that The registered owner was to provide a code review from a Professional Engineer. The Building Official added that the Building Official was not able to find a record of a building permit to construct the separating wall between units #112 and #5 -1555 Fairview Road, and a Building Permit would be required. In addition, the Building Official stated that the City required verification of the annual review/maintenance of the fire sprinkler system and the fire alarm system, and the annual site inspection by the fire department. A temporary business licence could be issued to Custom Countertops subject to the registered owner’s written confirmation that the items will be completed no later than December 30, 2019.</p>	
<p>September 29, 2019</p>	<p>A Building Official received an e-mail from the registered owner, who claimed that a contractor for Custom Countertops, had told the registered owner that the Building Official had attended and said that the contractor needed a permit for construction at #5 - 1555 Fairview Road. the registered owner had been under the assumption that OLM had a permit for the enclosure of a loading dock.</p>	

September 26, 2019	A Building Official had a site meeting with a contractor for Custom Countertops for a Business Licence Inspection at #112 -1555 Fairview Road for Custom Countertops Ltd. The Business Licence was not approved by the Building Official as the contractor was advised that a Building Permit was required to complete the fire separation between Custom Countertops and OLM.	
September 12, 2019	The Deputy Director of Development Services received an e-mail from a, Planner, who stated that the Development Permit Application for a variance for 1555 Fairview Road had been placed on hold.	
September 10, 2019	The registered owner emailed a Building Official to thank the Building Official for attending to the registered owner's office earlier on September 10, 2019. The registered owner confirmed that the registered owner. was going to provide fireguard protection on the wall separating Bradford's millwork shop, and were engaging a code consultant to re-evaluate the sprinkler system. The registered owner also confirmed that there was no change of use to the millwork shop.	
September 10, 2019	A Building Official met with the registered owner at the registered owner's office at 1531 Fairview Road.	
August 21, 2019	A Building Official phoned the registered owner regarding the Code Review.	
August 21, 2019	<p>A Building Official conducted a Business Licence inspection for Custom Countertops Ltd. at #112 – 1555 Fairview Road. The Building Official met with the owner of Custom Countertops Ltd. The Building Official found the following deficiencies existed:</p> <ol style="list-style-type: none"> 1. Fire separation of adjacent suite required upgrading, 2. Existing fire sprinkler system required a review by a professional engineer as per NFPA 25, 3. Routine site inspection by the fire department, 4. Process and/or materials evaluation as per 4.1.6 of NFPA 25, which requires a professional engineer or architect. <p>The Building Official did not approve Business Licence for Custom Countertops Ltd.</p>	

<p>August 21, 2019</p>	<p>The Chief of the Penticton Fire Department and Fire Prevention Officer sent an e-mail to a Building Official. The Chief of the Penticton Fire Department stated that the Fire Department unable to give blessing to anything involving 1555 Fairview Road, until there is some evidence of compliance and that inspection of the building had been allowed. The Chief of the Penticton Fire Department required the following:</p> <ol style="list-style-type: none"> 1. Routine inspection as required (annual) 2. Annual sprinkler maintenance as per NFPA 25 including repairs as required. 3. Change in Occupancy, use, process or materials evaluation as per 4.1.6 of NFPA 25 required by qualified mechanical engineer or architect. 	
<p>August 20, 2019</p>	<p>The Chief of the Penticton Fire Department sent an e-mail to a Building Official regarding the registered owner's refusal to allow an inspection of 1555 Fairview Road by the Penticton Fire Department. The Chief of the Penticton Fire Department was agreeable to placing the business licence for Custom Countertops on hold due to possible liabilities for the City.</p>	
<p>July 3, 2019</p>	<p>The Chief of the Penticton Fire Department filed a summary of Bylaw and Code requirements for 1555 Fairview Road and e-mailed the summary to the registered owner. The Chief of the Penticton Fire Department noted to that the registered owner had refused to comply with <i>Penticton Fire & Life Safety Bylaw</i>, <i>NFPA 25</i>, and <i>British Columbia Fire Code</i>.</p>	
<p>July 2, 2019</p>	<p>The registered owner sent an e-mail to the Chief of the Penticton Fire Department regarding the registered owner's Code Consultant's findings. At #5 – 1555 Fairview Road, Southern Mechanical Ltd. was to repair the air charge line in the attic space. The registered owner was under the impression that sprinklers were not required for 1555 Fairview Road, and declined the offer of a Fire Inspection.</p>	
<p>June 20, 2019</p>	<p>In an e-mail to a Planner, a Building Official, noted that the Planner had reviewed setbacks and determined that a variance was required to allow structure at #5 – 1555 Fairview Road to remain.</p>	
<p>June 14, 2019</p>	<p>An Occupational Safety Officer for WorksafeBC, filed WorksafeBC Inspection Report 20191576408A1 for Custom Countertops at #5 – 1555 Fairview Road. The Inspection Report did not include any orders.</p>	<p>WorksafeBC Inspection Report 20191576408A1</p>

<p>June 10, 2019</p>	<p>A Planner sent an e-mail to the owner of OLM, and the registered owner regarding the variance application reviewed internally by Technical Planning Committee on June 6, 2019. The Planner stated the Fire Department issues needed to be addressed before a permit can be issued to this building or other buildings at the site. In addition, the Fire Inspector required a code review; a Building Official required the specific use of the addition may require construction type or fire separation or increased setback, insulation is required for all conditioned spaces, metal roof was not permitted, footings may be required; the Planner required the construction value of the addition, and the letter of intent updated to reflect the actual setback.</p>	
<p>March 8, 2019</p>	<p>A Building Official, issued BP010639 to the registered owner for the construction of a new 32 ft. by 32 ft. commercial warehouse at 1531 Fairview Road.</p>	<p>BP010639</p>
<p>March 5, 2019</p>	<p>The registered owner submitted a Building Permit Application for the construction of a new 32 ft. by 32 ft. commercial warehouse at 1531 Fairview Road. A Building Official generated BP010639 in response to the application.</p>	<p>BP010639</p>
<p>March 5, 2019</p>	<p>A Building Official sent a letter to the registered owner regarding expired Building Permit BP9014-05, which was for an addition to Commercial Building (Canadian Treads) at 1531 Fairview Road. The Building Permit expired on February 22, 2007. The following inspections were required: Plumbing Inspection Framing Inspection Insulation/Vapour Barrier Inspection Completion Inspection. The following Documents were required: 1. Schedule CA & CB 2. Architectural 3. Schedule CB 4. Geotechnical & Structural The Building Official noted that failure to complete the permit in 30 days would result in the permit being expired as incomplete.</p>	<p>BP9014-05</p>
<p>February 27, 2019</p>	<p>The owner of OLM submitted a Building Permit Application for the enclosure of the loading dock at #5 – 1555 Fairview Road. A Building Official generated BP010603 in response to the application.</p>	<p>BP010603</p>

<p>January 17, 2019</p>	<p>A Building Official sent an e-mail to the owner of OLM, which is located at 1555 Fairview Road, about the owner of OLM's 's Building Permit application having not been accepted by Building and Licensing Department. The Building Official listed the reasons for the Building Permit having not been accepted:</p> <ul style="list-style-type: none"> • The location of the illegal structure was not provided on a map, • No reviews by a structural engineer, • No identifiable lumber type for construction, • No distance from grade to wood framing, • Whether space is conditioned. <p>The Building Official informed the owner of OLM that file is still considered to be unauthorized construction.</p>	
<p>December 27, 2018</p>	<p>The owner of OLM e-mailed and phoned the Licensing and Property Use Inspector, to advise that a Building Permit application would be submitted by January 2, 2019.</p>	
<p>December 21, 2018</p>	<p>A Licensing and Property Use Inspector left a voice message and e-mailed the owner of OLM to request that Building Permit application be received by Building Department before January 11, 2019. The Licensing and Property Use Inspector confirmed with the owner of OLM that unpermitted construction had occurred at 1555 Fairview Road.</p>	
<p>December 20, 2018</p>	<p>A Bylaw Officer, attended to 1555 Fairview Road for CFS #170010. The Bylaw Officer spoke with the owner of OLM, who showed the Bylaw Officer the area that was enclosed on a loading dock, the Bylaw Officer estimated the enclosed space measured 30 feet by 18 feet. The owner of OLM claimed to not have obtained any permits for any construction. The Bylaw Officer captured two pictures of alleged illegal construction. The Bylaw Officer transferred CFS #170010 to a Licensing and Property Use Inspector.</p>	
<p>December 7, 2018</p>	<p>A Bylaw Officer attended to 1555 Fairview Road for CFS #170010. The Bylaw Officer reported to not have found anything that indicated new construction.</p>	
<p>December 7, 2018</p>	<p>Bylaw Services received information OLM was in the process of building a structures in the corner of 1555 Fairview Road without permits.</p>	
<p>November 10, 2018</p>	<p>OLM began the construction of a 24 ft. by 16 ft. enclosed loading dock at #5 – 1555 Fairview Road.</p>	

November 5, 2018	A Building Official rejected a Building Permit Application by the registered owner & Co Ltd. for the construction of a new warehouse 1531 Fairview Road at counter. The Building Official noted that the following was required: <ol style="list-style-type: none"> 1. Initial agency agreement, 2. Construction values, 3. Distances from building to property lines, 4. 2018 schedules, 5. Geotechnical schedule B required for bearing capacity with new 2018 BCBC Schedule B. 	PL2017-8126
May 17, 2018	BP009427 for the construction of a new warehouse at 1531 Fairview Road expired after 6 months due to an incomplete submission	BP009427
February 8, 2018	A Building Official responded to an e-mail from the , owner of EM-T Homes Ltd., and stated where the requirements for non-combustible materials comes from in the <i>British Columbia Building Code 2012</i> .	BP009427
February 6, 2018	A Building Official sent an e-mail to the owner of EM-T Homes Ltd. regarding the multiple problems with the design for the new warehouse at 1531 Fairview Road.	BP009427.
December 13, 2017	The Director of Development Services, issued Development Permit PL2017-8126 to the registered owner for the construction of a new warehouse at 1531 Fairview Road.	PL2017-8126
November 28, 2017	A Building Official, changed BP004043 to cancelled and completed the Building Permit.	BP004043
November 17, 2017	A Building Permit Application is submitted by the owner of EM-T Homes Ltd. for a new warehouse at 1531 Fairview Road. A planner was to issue the required Development Permit by mid-December 2018.	BP009427; PL2017-8126
August 4, 2016	A Fire Inspector, forwarded a the registered owner's August 3, 2016 e-mail to the Chief of the Penticton Fire Department. The Fire Inspector noted that the sprinkler system is passed due for specific required tests, which the registered owner wanted to postpone.	
August 3, 2016	The registered owner sent an e-mail to a Fire Inspector that claimed the registered owner would not be updating sprinkler until the new layout is finalized for 1555 Fairview Road. Southern Mechanical had allegedly done an inspection and most of the sprinkler heads were due to be replaced in 2017. The registered owner would continue to operate a sprinklered building with some capacity limited in one area. The registered owner further claimed that sprinklers were not actually required for the building.	
March 11, 2015	BP 2907-09 was changed too complete by a Building Official.	BP2907-09

March 4, 2013	A Building Official attended to #101 – 1531 Fairview Road for a Business Licence Inspection for the registered owner which was approved.	
February 21, 2013	A Building Official attended to #101 – 1531 Fairview Road for a Business Licence Inspection, which was not approved due to multiple violations of the NFPA that were found.	
February 5, 2013	The registered owner for #101 – 1531 Fairview Road signed Report No. 56053 from the Penticton Fire Department, which stated the deficiencies had been corrected.	Penticton Fire Department Report No. 56053.
January 29, 2013	The registered owner submitted a change of location for their business licence to #101 – 1531 Fairview Road.	
December 18, 2012	South Mechanical Services Inc. completed an annual sprinkler system inspection for a dry system at 1555 Fairview Road, which passed the inspection by Southern Mechanical Services Inc.	
December 18, 2012	Report No. 56053 from the Penticton Fire Department found deficiencies with sprinkler system at #101 – 1531 Fairview Road. Deficiencies were ordered to be corrected by January 30, 2013.	Penticton Fire Department Report No. 56053
December 16, 2012	The registered owner for #101 – 1531 Fairview Road signed Report No. 55494 from the Penticton Fire Department, which stated the deficiencies had been corrected.	Penticton Fire Department Report No. 55494
December 3, 2012	Report No. 55494 from the Penticton Fire Department found deficiencies with the fire extinguisher and sprinkler system at 101 -1531 Fairview Road.	Penticton Fire Department Report No. 55494

Attachment B – Warning Letter dated April 2, 2020



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

April 2, 2020

Sent via mail

Dear Property Owner:

Re: Section 57 – Notice on Title – Contraventions against the Building Bylaw
File CFS No. 170010
Civic: 1555 Fairview Road, Penticton
Legal: Lot A, District Lot 5 SDYD, Plan 29917
Parcel Identifier 004-119-321 (Attachment A – Addressing Plan)

I am writing to you, the registered property owner, in connection with concerns identified at the above subject properties within the City of Penticton. As outlined in the following information, staff have continued to work with you to bring the buildings into compliance to ensure minimum health and safety standards are met. We are now at a stage of escalating enforcement measures. Please note that the property owner is ultimately responsible to obtain all required permits and ensure works are carried out in accordance with City Bylaws and the *British Columbia Building Code*.

Base Building – Fire Suppression

It is the position of the Penticton Fire Department that 1555 Fairview Road is now more than one year overdue for its annual fire inspection. The City's records indicate that the last annual inspection of the subject property was conducted on July 19, 2017. The results of the inspection were that three deficiencies involving the annual servicing of the sprinkler system were discovered by the Fire Inspector, Ken Barbour. In addition, because of the changes to the use, storage, and building revisions over the years, an evaluation of the sprinkler system by a professional engineer was required as per section 4.1.6 of the *NFPA 25*. In your e-mail dated December 17, 2019 to Ken Kunka, Deputy Director of Development Services, you asserted that Southern Mechanical Services Incorporated, operating under the oversight of Professional Engineer Barry Clarke, were progressing with the sprinkler system. A report on the condition of the sprinkler system was to be presented to Mr. Kunka in the new year. As of March 16, 2020, the City has yet to receive the report on the sprinkler system from you.

#112 – 1555 Fairview Road Penticton

On August 21, 2019, Allan Mann, Building Official, met with Chris Bradford, the owner of Custom Countertops Limited, for a Business Licence inspection at #112 – 1555 Fairview Road.

During that investigation, staff observed the following deficiencies:

1. No fire separation of the adjacent suite required upgrading,
2. The existing fire sprinkler system required a review by a professional engineer as per *NFPA 25*,
3. No routine inspection by the Fire Department



4. No process and/or materials evaluation as per 4.1.6. of *NFPA 25*, which requires a professional engineer or architect.

On September 26, 2019, Mann had a site meeting with Herb Dixon, a contractor for Custom Countertops Limited for a Business Licence inspection at #112 – 1555 Fairview Road. The Business Licence could not be approved by Mann as the deficiencies from the August 21, 2019 were still outstanding, and a Building Permit was required to complete the fire separation between Custom Countertops Limited and Outdoor Living Manufacturing Limited

#5 – 1555 Fairview Road

In addition, Outdoor Living Manufacturing Limited's Building Permit, BP010603, for the enclosure of the loading dock at #5 – 1555 Fairview Road, is still listed as "on hold", due to a variance to reduce the front yard setback being required to allow the structure. Before a variance can be allowed, we require the following:

1. A Code Review,
2. The specific use of the addition, which may require a different construction type, fire separation, or increased setback,
3. Insulation,
4. The removal of the metal roof,
5. Footings may be required,
6. The construction value,
7. A Letter of intent updated to reflect the actual setback.

Planning staff has also concluded a technical review of the variance application, and the significant issues raised by the Penticton Fire Department need to be addressed. You were informed that before issuing a permit for this building or subsequent buildings on the site, approval from the Fire Department would be required. Given that approval from the Penticton Fire Department has not been granted, planning staff are unable to recommend support for the variance request for a reduced front yard setback. The variance application has remained on hold as Development Services staff attempted to work with the property owner to agree on a way to compliance.

1531 Fairview Road

Building Permit BP9014-05, which was for an addition to an existing commercial building at 1531 Fairview Road, has been expired as incomplete due to the failure to provide us with the following inspections:

1. Plumbing Inspection
2. Framing Inspection
3. Insulation/Vapour Barrier Inspection
4. Completion Inspection

The following documents were also required:

1. Schedule CA & CB
2. Architectural
3. Schedule CV
4. Geotechnical & Structural



On March 8, 2019, BP010639 was issued for the construction of a new 32 ft. by 32 ft. commercial warehouse at 1531 Fairview Road. As no inspections have been called for since the issuance of the Building Permit, BP010639 will be cancelled. Should you wish to renew the permit, please contact us as soon as possible.

Summary

On March 16, 2020, staff completed a final review of the case files and determined that the necessary inspections, correspondence, and applications to further issues permits and complete the remedial works have not been satisfied. The properties have generated significant enforcement history and staff will now be recommending escalating enforcement action to ensure compliance by requesting Council place a Notice on the property title via section 57 of the *Community Charter* (Attachment B – Building Bulletin: Section 57).

Under authority of the *Community Charter*, Council may consider a resolution to place a Notice on Title for the fire and life safety violations and the unpermitted construction at #112 – 1555 Fairview Road; BP010603 being on hold for 5- 1555 Fairview Road; and the expiry of BP9014-05 for 1531 Fairview Road. As you are the current owner of the properties, it is you who takes ultimate responsibility for adherences to the City Bylaws and the *British Columbia Building Code*.

The City of Penticton trusts that you will take corrective measures in response to this letter. To prevent the Notice on Title, please contact us by April 20, 2020. You may contact me directly at 250-490-2588 or by e-mail at duncan.scandrett@penticton.ca. Office hours are Monday through Friday from 8:30 AM to 4:30 PM.

Yours truly,

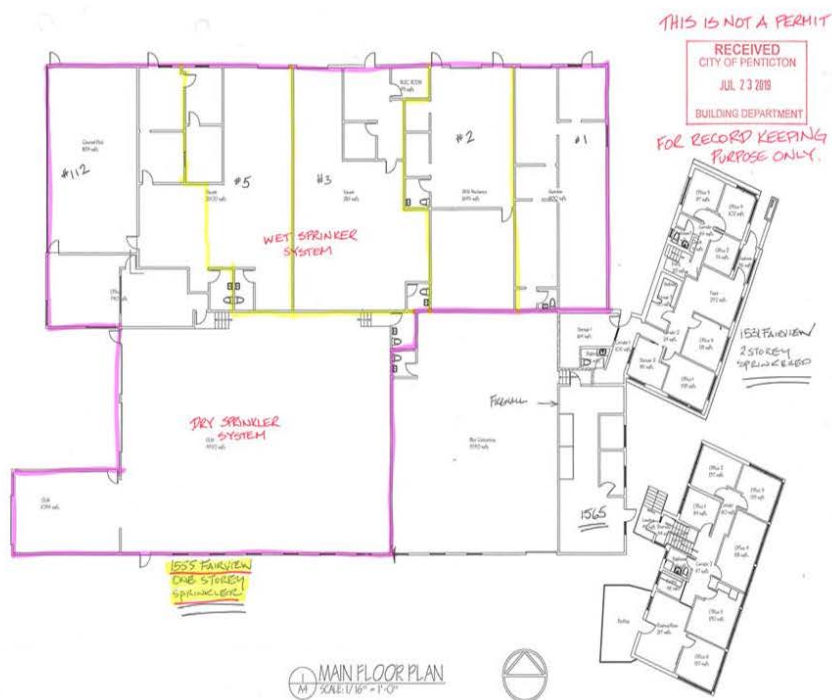
ORIGINAL SIGNED BY D. SCANDRETT

Duncan Scandrett
Property Use and Licence Inspector
City of Penticton
250-490-2588

Encl: Attachment A – Addressing Plan
Attachment B – Building Bulletin: Section 57 – Notice on Title.



Attachment A – Addressing Plan



THIS IS NOT A PERMIT
RECEIVED
CITY OF PENTICTON
JUL 23 2018
BUILDING DEPARTMENT
FOR RECORD KEEPING
PURPOSE ONLY.



Attachment B – Building Bulletin: Section 57 – Notice on Title



Building Bulletin



03, 04, 2015 Bulletin No. 15-04 Revised: 27, 11, 2019

Section 57 - Notice on Title

Bylaw Contravention Notice on Property Title Information

Purpose

This document provides a summary of what may trigger a Notice on Title and what is required to remove it. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.

Background & References

The Building Department is responsible for ensuring that all buildings constructed within the City comply with the City's Building Bylaw and the BC Building Code and are safe for the use intended. Where work is completed without the necessary permit and inspections, it cannot be guaranteed that the work conforms to the established standards.

Reference:

- [City of Penticton Building Bylaw](#)
- [Community Charter - Sections 57 and 58](#)

A Notice on Title is an enforcement tool used by local governments in British Columbia. It involves the local government placing a notice on the title of a property at the Land Title Office. Once in place, the notice will show up under the section on a title search entitled "Legal Notations"



will show up under the section on a title search entitled "Legal Notations"

A Notice on Title serves as notice to anyone searching the title of a property that the property in question may be in breach of local government bylaws or regulations. The Notice on Title itself does not disclose the details of any breach of bylaw or regulations, but rather, specifies that further information may be obtained from the local government office.

Once registered at the Land Titles Office, the notice will serve to advise anyone with interest in the land of the regulations contravened; provide disclosure to future owners; and protect taxpayers from potential claims with regard to the contravention, as per [Section 57 of the Community Charter](#).

NOTE: The vast majority of the building inspection processes are successfully carried out without the need to place a notice on title.

Please note: Building Bulletins are prepared to provide convenient information for customers, and should not be considered a replacement for reviewing the bylaw or associated legal documents. If there is any contradiction between this guide and relevant municipal bylaws and/or applicable codes, please refer to the bylaws and/or codes for legal authority.



Implementation

When a Notice is placed on Title

A Notice on Title may be filed where the following conditions are observed:

- a) Construction has begun on a property without a valid building permit (Stop Work posted)
- b) Construction deficiencies noted during an inspection have not been corrected
- c) Covering construction without required inspections
- d) Modify construction in contravention of approved permits
- e) A permit has expired and the owner refuses to reapply for a new permit; or
- f) Any such circumstances as the Chief Building Inspector may deem necessary.

The Corporate Officer will advise the property owner, by letter, that the matter will be taken to Council and will invite the owner to attend the meeting to discuss the issue. Should Council agree that there is a contravention, it may pass a resolution pursuant to Section 57 of the Community Charter. The resolution would instruct the Corporate Officer to file a notice on title with the Land Title Office that violations exist on the property. The Land Title Office will make a notation on the property title that there is a bylaw contravention. Any individual requesting a Title Search will then be aware that there are building concerns.

Further Injunctive Action

In addition to the Section 57, Notice on Title, Council may impose injunctive action or remedial action requirements in relation to hazardous conditions. This action may require the owner to remove or demolish the deficiency, bring it up to the bylaw standard and/or deal with the issue in a manner acceptable to Council. The resolution imposing a remedial action would specify a time frame in which the action must be completed. If the action is not completed as required, the City may finish the required work at the expense of the owner.

Removal of a Notice on Title

Where a notice has been registered on the property title and the property owner wishes to rectify the issues, the owner must apply in writing to the Chief Building Inspector requesting consideration for removal of the notice. Upon receipt of a written request, the Chief Building Inspector will review the records pertaining to the condition that gave rise to the filing of the notice to determine if the request is feasible.

Should staff concur with the request the following steps shall be taken:

- Confirmation of a building or demolition permit, a permit extension or if a new owner is registered to the property, a new application may be required in order to close off an existing building permit.
- An inspection of the land, building or structure will be scheduled in order to verify that the contravention has been rectified.
- Payment of all applicable Permit fees and fines. A fee for removal of the legal notice from the land title is \$500 (confirm fee with current [Fees and Charges Bylaw No. 2017-07](#)).

If all requirements are met, the Chief Building Inspector will notify the Corporate Officer to file for removal of Notice with Land Title Office.

Have questions? We're here to help. Please contact the Building Department at 250-490-2571 or buildinginfo@penticton.ca for more information.

Office Use: 3800-01 General\Bulletins\Building\Finalized\Section 57 Notice on Title 15-04.docx

Please note: Building Bulletins are prepared to provide convenient information for customers, and should not be considered a replacement for reviewing the bylaw or associated legal documents. If there is any contradiction between this guide and relevant municipal bylaws and/or applicable codes, please refer to the bylaws and/or codes for legal authority.



Attachment C – Summary of Bylaw and Code Requirements for 1555 Fairview Road dated July 3, 2019



Office of the Fire Chief
City of Penticton
250 Nanaimo Ave. W. | Penticton B.C. | V2A 1N5
www.penticton.ca | Mike.Richards@penticton.ca

July 3, 2019

Summary of Bylaw and Code Requirements for 1555 Fairview Rd Penticton

The last annual routine inspection done on 1555 Fairview was July 19, 2017. At that time Inspector Barbour noted 3 deficiencies involving annual servicing of their sprinkler system. The owner, [redacted] was given until Aug 31st, 2017 to have the service completed. [redacted] emailed Inspector Barbour on Aug 3rd, 2017 that he was planning remodeling of the building and would not be doing anything to the sprinkler system. He stated that Southern Mechanical did an inspection, and reported that some heads were due to be replaced in 2017. He also advised that his interpretation of the BC Building Code was that a sprinkler system is not required. No documentation was received for review by the Fire Department.

Inspector Barbour noted that the building was old and had been gradually converted to a multi-tenant industrial use. The occupants included an F1 wood processing and spray coating business, F2 auto repair, F2 Kitchen counter shop, HVAC service, F3 construction warehouse, and F2 Cedar wood manufacturer.

[redacted] refused to take any further action. It came to the attention of the Fire Department in June 2019 that some non-permitted construction had taken place. Our position is that this building is now more than 1 year overdue for its annual routine fire inspection and that due to changes of use, storage, and building revisions over the years, an evaluation of the sprinkler system is required as per Section 4.1.6 of NFPA 25. This evaluation is to be completed by a Certified Registered Professional. Any change to the system, including [redacted] suggestion that it be decommissioned will require a building permit to be obtained.

On July 2nd, 2019 a letter was sent to [redacted] by me to request he arrange a time and date for our inspectors to complete the overdue routine inspection as well that he provide the documentation showing that his sprinkler system has been inspected tested and maintained to meet NFPA 25. His response to my request was again that his building does not require a sprinkler system, that it is operating with a partial coverage due to a problem, and that he declines our request for inspection.

I have attached all sections of Bylaw and code that, in my opinion, apply to this ongoing issue of noncompliance. Some of the issues that have arisen will involve the Building and Planning Departments as well. Due to the responses that [redacted] has had to issues around this and other buildings in Penticton he has been involved with, my opinion is that we proceed with a unified approach considering all applicable codes and bylaws in order to achieve a level of compliance for fire and life safety as well as Building and Zoning requirements.

Yours truly,

Mike Richards
Captain/Fire Prevention Officer
LAFC #1949



City of Penticton Fire & Life Safety Bylaw 2004-57

4.04 Power and Duties of the Fire Chief

The Fire Chief shall manage, control and supervise the Fire Department and have care, custody and control of all buildings Apparatus and Equipment, and be responsible for

- (a) making such rules and regulations for the proper and efficient administration and operation of the Fire Department and for the discipline of Fire Services Personnel and may, from time to time, but subject always to the provisions of the *Fire Services Act*, vary, alter or repeal the rules or regulations. All rules and regulations shall be complied with by all Fire Services Personnel and any failure to comply with the rules and regulations as determined by the Fire Chief;
- (b) taking all necessary and proper measures to prevent, control and extinguish fire for the protection of life and property;
- (c) enforcing all City bylaws respecting fire prevention;
- (d) enquiring into, investigating and recording the cause of, all fires in the City;
- (e) collecting and disseminating information in regard to fires in the City including investigating conditions under which fires are likely to occur, studying methods of fire prevention, rendering advice, and making recommendations in regard to:
 - (i) the establishment and administration of the Fire Department,

- (ii) the provisions of adequate water supplies for fire protection,
- (iii) the installation and maintenance of automatic or other fire alarm systems and fire extinguishment Equipment,
- (iv) the enforcement of measures for the prevention of fire or the protection of life and property against fire,
- (v) the prevention of fires generally,
- (vi) the establishment and implementation of an emergency operations plan,
- (f) With the consent of the City Manager, appointing such Fire Inspectors as may be authorized;
- (g) Taking all reasonable, necessary and proper measures to provide for rescue and medical emergency responses as required;
- (h) Providing fire alarm monitoring service as required;
- (i) Managing contracts with other jurisdictions and private industry as required, including the provision of any of the services contemplated in this Bylaw outside the municipality. (Bylaw 2015-10)
- (j) Pursuant to the provisions of the *Community Charter* exercise some or all of the powers of the Fire Commissioner under Section 25 of the *Fire Services Act*.

6.16 Buildings

- (a) Fire protection Equipment:
 - i) is required for the protection of any building or occupancy,
 - ii) shall meet the standards of the B.C. Building Code, B.C. Fire Code Regulations and any other code or bylaw adopted by the City,
 - iii) shall be installed in accordance with good engineering practices, and be placed in a location satisfactory to the Fire Chief.
- (b) Notwithstanding the absence of specific regulations, codes or bylaws, good engineering practices shall be observed in the development and maintenance of buildings, water supply systems, fire protection systems and means of access for Fire Department Apparatus and Equipment to the satisfaction of the Fire Chief.

6.17 Standards of Work

The Fire Chief may require that any construction, installation, repair or replacement to any fire or suppression Equipment or system shall be done in conformity with higher standards than prescribed in the B.C. Building Code, the B.C. Fire Code Regulations or this bylaw if, the Fire Chief deems that such higher standards are reasonable and necessary in the interest of safety.

6.18 Rejection of Work

The Fire Chief may, after the examination of the fire or suppression Equipment referred to in paragraph 6.17 herein issue a written rejection,

PART VII INSPECTION OF PREMISES

7.01 Review of Plans

The Fire Chief shall review and approve the plans and inspect the construction of all new buildings and structures in the City other than single-family dwellings, in order to establish that the fire protection facilities and Equipment are in compliance with all applicable regulations, this bylaw, codes and standards.

7.02 Right to Inspect

The Fire Chief and each member of the Fire Department is hereby authorized to enter upon any property at all reasonable times in order to ascertain whether the requirements or directions under this bylaw, the *Fire Services Act* or its regulations are being obeyed in addition to the powers vested in them by the *Fire Services Act* and are hereby authorized and empowered to inspect property and premises for conditions which may cause fire or increase the danger of a fire or increase the danger to persons and to deal with any matter within the scope of the *Fire Services Act* in a manner not repugnant to any provision of the *Fire Services Act* or regulations there under.

7.03 Assistance in Inspection

The owner or Occupier of a building or property or any other person having knowledge of the building or property shall, upon request, give to an Inspector who is carrying out an inspection of the building or property, such assistance as may required in carrying out the inspection.

7.04 Entry for Inspection

Every owner or Occupier of a building or property shall provide all information and render all assistance required by the Fire Chief or any member of the Fire Department pursuant to this bylaw. No person shall purposely withhold or falsify any information required by the Fire Chief or any member of the Fire Department.

7.05 Special Authorization

Each member appointed by the Fire Chief is authorized to carry out the inspection and functions of the Local Assistant under Part 2 of the *Fire Services Act*.

7.06 Obstructions

No person shall obstruct or interfere with the Fire Chief or any member of the Fire Department while carrying out any inspection pursuant to this bylaw.

BC Fire Code: Section 6.4. Water-Based Fire Protection Systems

6.4.1. General

6.4.1.1. Inspection, Testing and Maintenance¹) Water-based fire protection systems shall be inspected, tested and maintained in conformance with NFPA 25, "Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems." (See Note A-6.4.1.1.(1).)

NFPA 25 2014

4.1.6* **Changes in Occupancy, Use, Process, or Materials.** The property owner or designated representative shall not make changes in the occupancy, the use or process, or the materials used or stored in the building without evaluation of the fire protection systems for their capability to protect the new occupancy, use, or materials.

4.1.6.1 The evaluation required by 4.1.6 shall not be considered part of the normal inspection, testing, and maintenance required by this standard.

4.1.6.2 The evaluation shall consider factors that include, but are not limited to, the following:

- (1) Occupancy changes such as converting office or production space into warehousing
- (2) Process or material changes such as metal stamping to molded plastics
- (3) Building revisions such as relocated walls, added mezzanines, and ceilings added below sprinklers
- (4) Removal of heating systems in spaces with piping subject to freezing

4.1.7* **Addressing Changes in Hazard.**

4.1.7.1 Where changes in the occupancy, hazard, water supply, storage commodity, storage arrangement, building modification, or other condition that affects the installation criteria of the system are identified, the property owner or designated representative shall promptly take steps to evaluate the adequacy of the installed system in order to protect the building or hazard in question.

4.1.7.2 Where the evaluation reveals that the installed system is inadequate to protect the building or hazard in question, the property owner or designated representative shall make the required corrections.

4.1.7.3 Corrections shall be approved.

Attachment D – BP9014-05 Expiry Letter dated March 5, 2019



City of Penticton – Development Services
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | 250 490 2501

5 March 2019

PROJECT DESCRIPTION: ADDITION TO COMMERCIAL BUILDING (Canadian Treads)
PROJECT ADDRESS: 1531 FAIRVIEW RD LT A PL KAP29917 DL 5 SDYD
OWNER/AGENT:
Subject : Building Permit Expiry Reminder

Dear Owner and/or Agent,

Please be advised that permit number PR6286-9014 for - Addition to Commercial Building (Canadian Treads) has expired on **Feb 22, 2007**. The following items require your action to complete this permit:

Inspections Required to Complete the Permit

- Plumbing Inspections
- Framing Inspection
- Insulation/Vapour Barrier Inspection
- Completion Inspection

Documents Required to Complete the Permit

- Schedule CA & CB, Architectural
- Schedule CB, Geotechnical & Structural

To schedule any required inspections, please call our 24-hour inspection line at 250-490-2511.

Failure to complete the permit within 30 days will result in the permit being expired as incomplete and/or may result in Bylaw Enforcement Action, including but not limited to, additional fines and/or a Section 57 Notice on Title as regulated under the Community Charter.

Please contact Jo-Anne Carter at 250-490-2529 with any questions.

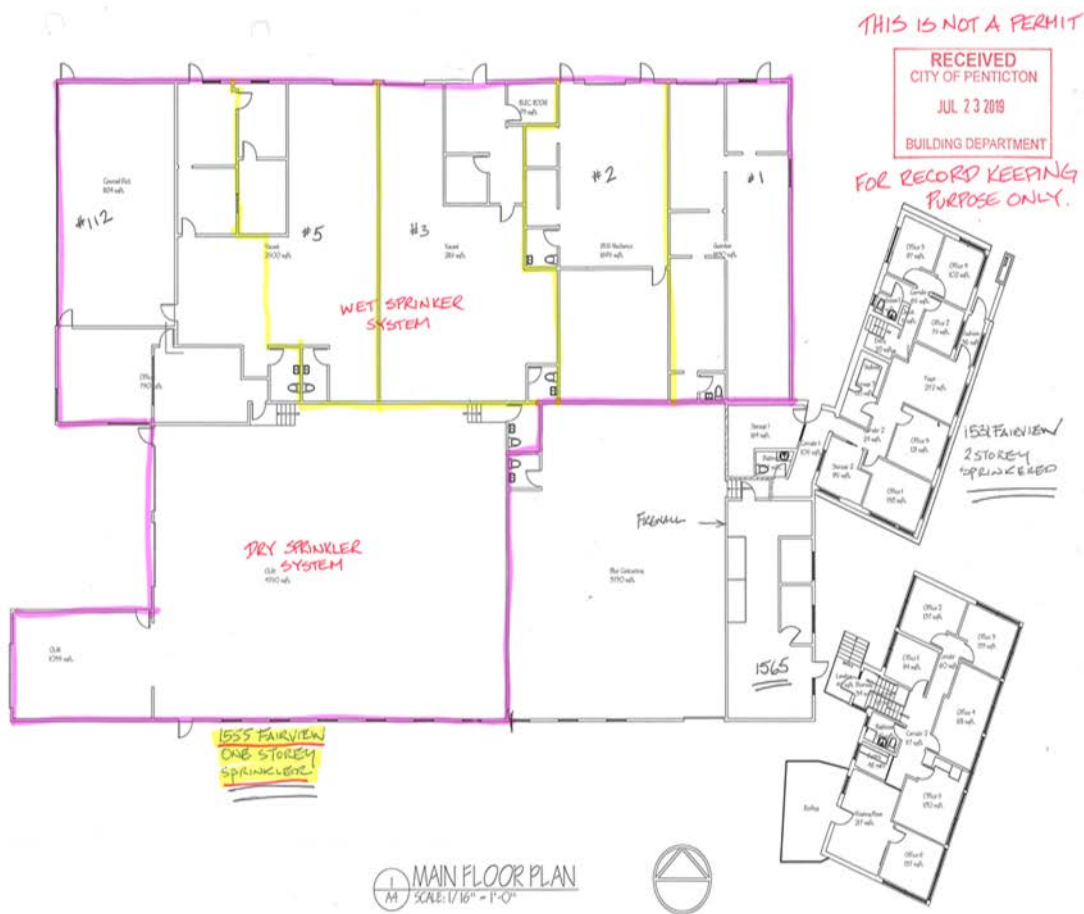
Yours truly,

THE CORPORATION OF THE CITY OF PENTICTON

Building Department
Development Services
City of Penticton

Building Department

Attachment E – Addressing Plan



Attachment F – Sections 57 & 58 of *Community Charter*

Note against land title that building regulations contravened

57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a) give notice to the registered owner of the land to which the recommendation relates, and

(b) after notice under paragraph (a), place the matter before the council.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

(a) a resolution relating to that land has been made under this section, and

(b) further information about it may be inspected at the municipal hall.

(4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).

(5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.

(6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.

(7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

(a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the [Land Title Act](#), and

(b) the assurance fund or the minister charged with the administration of the [Land Title Act](#) as a nominal defendant is not liable under Part 20 of the [Land Title Act](#).

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

Cancellation of note against land title

58 (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.

(2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.

(3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.

(4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.

(5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.

(6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

Council Report

penticton.ca

Date: July 21, 2020 File No: RMS – Civic
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Deputy Director of Development Services
Address: 972 Timmins Street

Subject: Sections 57 & 72: Notice on Title & Remedial Action – Contraventions against the Building Bylaw

Staff Recommendation

That Council pass the following Resolutions:

Whereas the City has authority under section 57 of the *Community Charter* to place a Notice on Title, and the authority under section 72(1) (a) of the *Community Charter* to impose remedial action requirements in relation to hazardous conditions:

1. THAT Council consider this staff report and presentation, and under the authority of provided in section 57 of the *Community Charter*, resolve to place a Notice on Title with respect to the contraventions of the City of Penticton *Building Bylaw No. 2018-01* at 972 Timmins Street (the "Property") legally described as Lot 1, District Lot 1 and 4 Similkameen Division Yale (Formerly Yale-Lytton), Plan 6464, Parcel Identifier 010-093-184, stating the following:

"Failure to obtain building permit, which is a violation of City of Penticton Building *Bylaw No. 2018-01*. Further information about it may be inspect at the municipal hall."
2. THAT Council under the authority of provided in section 73 of the *Community Charter*, declare the carriage house at the Property to be a hazardous condition as the structure is unpermitted, and potentially jeopardizes the health and safety of occupants.
3. AND FURTHER THAT Council require remedial action requirements of the owner of the Property, because of the declared hazardous condition constituted by the illegal structure, as follows:
 - a. Obtain a demolition permit to have the illegal structure removed or demolished, OR
 - b. Obtain a building permit within 90 days with the following requirements:
 - i. A Geotechnical Assessment
 - ii. A Structural Assessment
 - iii. Full exposure of plumbing systems
 - iv. Proof that the builder is registered with BC Housing

4. AND FURTHER THAT Council set the time limit for completing the remedial action requirements described in Recommendation No.3 to be no later than 4:30 PM (PT) on September 18, 2020.
5. AND FURTHER THAT Council, under the authority provided in section 17 of the *Community Charter*, authorize staff to take appropriate action to ensure that the Property is brought into compliance with remedial action requirements described in Recommendation No. 3 provided that:
 - a. The property owner did not fully complete all remedial action requirements on or before the time limit specified in this Council resolution;
 - b. All costs incurred by the City to bring the Property into compliance at the expense of the property owner is recovered from the property owner as a debt owed to the City; and
 - c. All costs incurred by the City to bring the Property into compliance at the expense of the property owner is recovered from the property owner as a debt owed to the City; and
 - d. All costs incurred by the City to bring the Property into compliance at the expense of the property owner will be added to the Property taxes and deemed as taxes in arrears in accordance with section 258(1) (c) of the *Community Charter*.
6. AND FURTHER THAT Council set the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation No. 3 to be not later than 4:30 PM (PT) on August 14, 2020 pursuant to section 78 of the *Community Charter*.

Executive Summary

This report recommends that pursuant to section 57 of the *Community Charter*, a Notice be registered with the Land Title and Survey Authority against the *Property* for failure to comply with the City of Penticton *Building Bylaw No. 2018-01* and the *British Columbia Building Code*, contraventions which are related to the safety of the building on the property. Furthermore, this report recommends that pursuant to section 72 of the *Community Charter*, remedial action be imposed on the property for failure to comply with the City of Penticton *Building Bylaw No 2018-01* and the *British Columbia Building Code*, contraventions which are again related to the safety of the building on the property. This report recommends Council support the notice, remedial action, and provide the property owner with an opportunity to be heard.

Strategic priority objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Background

On March 6, 2020, the Senior Building Official, and the Licensing and Property Use Inspector attended to the property for an inspection, and met with the contractor.

During that inspection, the Senior Building Official and Licensing and Property Use Inspector established that the foundation of a carriage house had been constructed without the benefit of the appropriate permits. Due to the unpermitted construction, a "Stop Work Order" was posted on the illegal structure, and the contractor was informed that all unpermitted construction must cease until the appropriate permits had been issued for the construction.

On May 4, 2020, a Building Official, and the Licensing and Property Use Inspector had to re-attend to the property due to a report that a second storey had been added to the carriage house. The Building Official and the Licensing and Property Use Inspector verified the received information that a second storey had been

assembled, as the contractor conceded that approval from the City could not any longer be waited for by the contractor. Moreover, the Stop Work Order posted on March 6, 2020, had been tampered with as the notice had been re-posted to the south wall of the carriage house.

On June 17, 2020, the Licensing and Property Use Inspector attended to the property due to another report of unpermitted construction on the carriage house. The Licensing and Property Use Inspector again verified that construction had continued, in violation of the posted Stop Work Order, on the assembly of the second floor. In the Licensing and Property Use Inspector's subsequent discussion with the contractor, the contractor repeated a concession that approval from the City would not be waited for by the contractor.

Although Development Permit – PL008737 was issued by the Planning Department, on June 2, 2020, for the carriage house, no building permit has been issued for the construction as of June 19, 2020. The building permit application had to be rejected, on June 17, 2020, because of a failure to submit a complete application. Furthermore, the Stop Work Order remains in place at the property.

City of Penticton – Building Bylaw No. 2018-01

As outlined within the *Community Charter*, local governments have the authority to regulate construction. This power is exercised through the City of Penticton *Building Bylaw No. 2018-01*:

- 7.1 A person must not commence or continue any construction, alternation, excavation, reconstruction, demolition, removal, relocation or change the use of the occupancy of any building or structure, including other work related to
- (a) Except in conformity with the requirements of the Building Code and this bylaw; and
 - (b) Unless a building official has issued a valid and subsisting permit for the work under this bylaw.

Section 57 Notice against Title

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of a property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future purchasers and to protect taxpayers against potential claims with regard to the regulations contravened.

A Notice on Title may be filed where the following conditions are observed:

- Construction has begun on a property without a valid building permit; (Stop Work posted)
- Construction deficiencies noted during an inspection have not been corrected;
- Covering construction without required inspections;
- Modify construction in contravention of approved permits;
- A permit has expired and the owner refuses to reapply for a new permit; or
- Any such circumstances as the Chief Building Inspector may deem necessary.

If a municipality is considering filing a Section 57 Notice it is required to notify the affected property owner(s) and provide the owner(s) with an opportunity to address the Council before the Council considers the staff's recommendation to file the Section 57 Notice.

Refer to Attachment L for a complete outline of Section 57 of the *Community Charter*.

Section 72 Remedial Action

The purpose of remedial action (section 72 of the *Community Charter*) for a property is to correct a building or other structure that is either in or creates an unsafe condition, and that contravenes Provincial buildings regulations or municipal bylaws.

Remedial Action may be imposed where the following conditions are observed:

- A building or structure presents a hazardous condition
- A building or structure is a declared nuisance.
- A building or structure presents harm to drainage or a dike.

If a municipality is considering imposing remedial action under Section 72, it is required to notify the affected property owner(s) and provide the owner(s) with an opportunity to address the Council before the Council considers the staff's recommendation to impose remedial action.

Refer to Attachment M for a complete outline of section 72 of the *Community Charter*.

Section 73 Hazardous Conditions

The purpose of declaring a hazardous condition (section 73 of the *Community Charter*) for a property is to limit that liability that the City may face due to the unsafe conditions, and to safeguard the health and safety of potential occupants, caused by a building or other structure that contravenes Provincial building regulations or municipal bylaws.

Remedial Action for hazardous conditions may be imposed when the following conditions are met:

- Council consider that the building or structure is either in or creates an unsafe condition, or
- the building or structure is in violation of the Provincial building regulations or a bylaw under section 8, or division 8 of part 3 of the *Community Charter*.

Refer to Attachment M for a complete outline of section 73 of the *Community Charter*.

Financial implication

The City's expenditure for registering a Notice on Title is \$74.16 plus staff time.

Section 17(1) of the *Community Charter* allows a municipality to undertake remedial action requirements (RAR), if not carried out within the time set by a Council resolution. The City will collect the amount incurred from the property owner in the same manner and remedies as property taxes. Therefore, the taxes are deemed in arrears, if unpaid. Furthermore, the unpaid taxes would constitute a charge on the land and priority over any other claim, lien, privilege or encumbrance of any person (except the Crown).

The 2019 BC Assessment provides that the land is valued at \$253,000, and the Building is valued at \$195,000. Staff believe that there is sufficient equity in the Property to recover the incurred expenses, if it is necessary for the City to complete the remedial action work.

Outstanding Fines and Fees:

- Outstanding Fines/Bylaw Offence Notices - \$900.00

Analysis

During the course of this enforcement action, staff have followed Council's approved *Building Compliance Policy* as well as best practices provided by the *Licence Inspectors and Bylaw Enforcement Association of British Columbia*.

As further enforcement tactics have not brought the property into a safe, conforming situation, staff are now recommending a notice on title and remedial action, and would therefore like Council to consider the following information when considering this action:

- The potential safety risks related to occupants, emergency responders and to neighbouring properties for works completed without permits;
- The potential for legal claims as a result of injury or damage to property if the City did not choose to enforce;
- The reputation of not enforcing bylaws to ensure compliance with City and Provincial health and safety regulations;
- Chronology of Events that details actions staff have taken to remedy the safety concerns (Attachment A);
- Involvement of third parties such as the BC Technical Safety Authority and WorkSafe BC.

Under authority of the *Community Charter*, it is appropriate for Council to consider a resolution to place a Notice on Title and to impose remedial action for the construction of the carriage house without the necessary permits. Although the contractor has remained in contact with city staff to resolve this matter, and has received a Development Permit for the carriage house, a Building Permit has not been issued and the Stop Work Order remains in effect at the Property. Staff are recommending the registration of the Section 57 and remedial action through Section 72 due to the potential hazards that the illegal structure presents. In addition, municipal regulations have continued to be breached through consistent violations of the Stop Work Order, and provincial regulations, which can be found in the *British Columbia Building Code*, have not been followed. When the works have been brought into compliance, then the Notice on Title can be requested to be removed by the property owner under Section 58 of the Community Charter (Attachment L).

Staff will also look at further enforcement such as injunctive action, should the works not be brought into compliance in a realistic timeframe.

Attachments

Attachment A – Chronology of Events

Attachment B – March 3, 2020 Inspection Photographs

Attachment C – March 6, 2020 Inspection Photographs

Attachment D – April 6, 2020 Inspection Photographs

Attachment E – April 20, 2020 Contractor's Photographs

Attachment F – May 4, 2020 Inspection Photographs

Attachment G – May 5, 2020 Inspection Photographs

Attachment H – May 8, 2020 Inspection Photographs

Attachment I – May 14, 2020 Inspection Photographs

Attachment J – May 22, 2020 Inspection Photographs

Attachment K – June 17, 2020 Inspection Photographs

Attachment L - Sections 57 & 58 of *Community Charter*

Attachment M - Sections 72, 73, 76, 77 & 78 of the *Community Charter*

Respectfully submitted,

Ken Kunka ASCT, RBO
Deputy Director of Development Services

Concurrence

Director of Development Services <i>BL</i>	Acting Chief Administrative Officer JB
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Attachment A – Chronology of Events

Chronology of Events

With respect to 972 Timmins Street

Date of Documentation	Description	Associated Document
June 17, 2020	The Licensing and Property Use Inspector, attended to the subject property and confirmed that contractors were active on the site and had installed additional framing to the second storey of the illegal carriage house. When The Licensing and Property Use Inspector asked the lead contractor as to why the Stop Work Order had been violated, the lead contractor stated that the permit process had taken too long.	
June 17, 2020	The City received information that walls and a roof had been added to the illegal carriage house at the subject property.	
June 17, 2020	To the contractor, a Building Official sent an e-mail that stated, after The Building Official's review, the building permit application was found to be incomplete, and was not accepted by the Building Official. The Building Official ended the e-mail by stating that the Stop Work condition remained for the structure, until a building was issued.	
June 2, 2020	A Planner sent an e-mail, to the contractor, in which the Planner informed the contractor that the Development Permit had been signed, although the Development Permit was not to be considered to be a Building Permit.	Development Permit - PL008737
May 26, 2020	The Licensing and Property Use Inspector sent an e-mail, to the contractor, that confirmed the works were in compliance with what was ordered on May 15, 2020. The Licensing and Property Use Inspector also noted that the e-mail was not be considered to be approval or permission to resume with the construction of the carriage house.	
May 26, 2020	The Licensing and Property Use Inspector received an e-mail from the contractor who had attached four photographs of the completed work to secure the upper walls of the illegal carriage house. The contractor claimed that the walls were now "safe".	

May 22, 2020	The Licensing and Property Use Inspector and a Building Official attended to the property to determine if the contractor had completed that work, which had been ordered by the Licensing and Property Use Inspector in the Licensing and Property Use Inspector's two previous e-mails to the contractor. The Building Official reviewed the illegal carriage house, and noted that the metal brackets had been successfully installed and sections of plywood had been removed from the upper wall. The Building Official concluded that the completed work was acceptable.	
May 22, 2020	The Licensing and Property Use Inspector received an e-mail from the contractor that thanked The Licensing and Property Use Inspector for allowing an alternate solution.	
May 22, 2020	To the contractor, The Licensing and Property Use Inspector sent an e-mail that relayed a Building Official's solution of better bracing with 2 in. by 6 in. lumber, and removal of half of the sheeting. The Licensing and Property Use Inspector reminded the contractor that an inspection was still planned for May 22, 2020.	
May 21, 2020	The Licensing and Property Use Inspector received an e-mail from the contractor who requested a steel brace and drill bolts be put in place, because the walls were "glued down ,by taking them will do a lot of damage" according to the contractor.	
May 15, 2020	The Licensing and Property Use Inspector sent an e-mail to the contractor regarding the contractor's failure to remove the upper side walls of the illegal carriage house. The Licensing and Property Use Inspector instructed the contractor to have the upper side walls removed, laid down, and then secured to the structure. The Licensing and Property Use Inspector ordered the contractor to have the three aforementioned tasks completed by 9:00 on May 22, 2020.	
May 15, 2020	The Licensing and Property Use Inspector attended to the subject property and found that no further work had been done to the carriage house, however, the requested work had not been completed, as the upper side walls remained.	
May 11, 2020	A Bylaw Officer, attended to the subject property and observed that the contractor was occupied with the driveway, which was not a violation of the Stop Work Order.	
May 8, 2020	The Licensing and Property Use Inspector received information that construction sounds had been emanating from the subject property for the entirety of the day of May 8, 2020.	
May 6, 2020	The Licensing and Property Use Inspector received an e-mail from the contractor who claimed that the contractor would be researching the Bylaws to determine why no permits had been issued in the past two months. The contractor also claimed that the Licensing and Property Use Inspector would receive a response, before the contractor continued with construction.	

<p>May 5, 2020</p>	<p>The Licensing and Property Use Inspector sent an e-mail to the contractor that provided an explanation as to why the Licensing and Property Use Inspector and the Deputy Director of Development Services had attended to the subject property on May 5, 2020. The Licensing and Property Use Inspector also cautioned the contractor to not proceed with any further construction, but the removal of the two upper side walls would be allowed to prevent their dislodgement by the wind.</p>	
<p>May 5, 2020</p>	<p>The Licensing and Property Use Inspector received an e-mail from the Contractor who demanded to know what The Licensing and Property Use Inspector had attended to the subject property on May 5, 2020. The contractor also claimed to have the right to continue building frames and to "get everything ready". The contractor ended the e-mail by stating that the Licensing and Property Use Inspector should only converse with the contractor, due to property owners' advanced age.</p>	
<p>May 5, 2020</p>	<p>A Planner sent an e-mail, to the contractor, regarding the City needing to issue approved permits before a property owner or building could commence with construction. The Planner stated that the two permits, which were required for carriage houses, were a development permit and building permit.</p>	<p>Development Permit - PL008737</p>
<p>May 5, 2020</p>	<p>The Licensing and Property Use Inspector was forwarded an e-mail, by a Planner, which was originally from the contractor. In the forwarded e-mail, the contractor claimed that the walls had to be installed and that a permit had been paid for on March 16, 2020. The contractor ended the e-mail by requesting that the property owner not be contacted, but the contractor instead as the contractor claimed to be taking care of the property owner's affairs.</p>	<p>Development Permit - PL008737</p>
<p>May 5, 2020</p>	<p>The Licensing and Property Use Inspector and Deputy Director of Development Services attended to the subject property for CFS due to the allegation of continued unpermitted construction. The Licensing and Property Use Inspector and Deputy Director of Development Services met with the property owner. When pressed for documents, the property owner was unable to provide a contract, or permits, but did assert that the contractor had been hired to construct the carriage house. The Licensing and Property Use Inspector and the Deputy Director of Development Services inspected the carriage house, which appeared to have not been affected since May 4, 2020.</p>	

<p>May 4, 2020</p>	<p>The Licensing and Property Use Inspector and a Building Official attended to the subject property due to the Building Official having received an allegation that unpermitted work had continued. The Licensing and Property Use Inspector and the Building Official found that it was apparent that plywood walls, and a second story had been constructed for the carriage house. The Licensing and Property Use Inspector and the Building Official were met by the contractor who admitted to proceeding with construction as the contractor claimed that the walls had to be installed, and could not wait for permission from the City. The Licensing and Property Use Inspector noticed that the Stop Work Order had been interfered with. The Licensing and Property Use Inspector issued BON TP10714 to the contractor for a violation of 7.1 of the <i>Building Bylaw No. 2018-01</i>: No Permit. The Licensing and Property Use Inspector and the Building Official repeatedly informed the contractor that no further construction or interference with the Stop Work Order should occur.</p>	<p>BON TP10714</p>
<p>May 4, 2020</p>	<p>The Building Official received information that a second storey had been added to the carriage house at the subject property.</p>	
<p>March 26, 2020</p>	<p>To the contractor, a Planner sent an e-mail regarding the contractor's submission of an application form for a development permit. The Planner still required the following from the contractor: (1 Site profile waiver (2 Set of plans (3 Letter of intent (4 Development Permit Analysis.</p>	
<p>March 6, 2020</p>	<p>A Building Official and a Planner held a pre-application meeting with the contractor regarding the unpermitted construction, which was still at the foundation stage. The Planner determined that, provided the structure was not in setback, the structure should conform to the Zoning Bylaw.</p>	
<p>March 6, 2020</p>	<p>The Licensing and Property Use Inspector, and the Senior Building Official attended to the subject property to post a Stop Work Order. The Licensing and Property Use Inspector, and the Senior Building Official met with the contractor, informed the contractor that all unpermitted works must cease, and encouraged the contractor to continue to work with the City on the building permit process.</p>	
<p>March 4, 2020</p>	<p>A Building Official received a phone call from the contractor, and requested a pre-application meeting, with a Building Official and a Planner, for March 6, 2020, was agreed upon.</p>	
<p>March 3, 2020</p>	<p>A Bylaw Officer attended to the subject property due to the received complaint of unpermitted construction. Having observed possible unpermitted works, the Bylaw Officer conducted a review in tempest and did not find that any active building permits or building permit applications. The Bylaw Officer then informed the contractor to attend to City Hall (171 Main Street).</p>	

Attachment B – March 3, 2020 Inspection Photographs



Attachment C – March 6, 2020 Inspection Photographs



Attachment D – April 6, 2020 Inspection Photographs



Attachment E – April 20, 2020 Contractor’s Photographs



Attachment F – May 4, 2020 Inspection Photographs



Attachment G – May 5, 2020 Inspection Photographs



Attachment H – May 8, 2020 Inspection Photographs



Attachment I – May 14, 2020 Inspection Photographs



Attachment J – May 22, 2020 Inspection Photographs



Attachment K – June 17, 2020 Inspection Photographs



Attachment L - Sections 57 & 58 of *Community Charter*

Note against land title that building regulations contravened

57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a) give notice to the registered owner of the land to which the recommendation relates, and

(b) after notice under paragraph (a), place the matter before the council.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

(a) a resolution relating to that land has been made under this section, and

(b) further information about it may be inspected at the municipal hall.

(4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).

(5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.

(6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.

(7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

(a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the [Land Title Act](#), and

(b) the assurance fund or the minister charged with the administration of the [Land Title Act](#) as a nominal defendant is not liable under Part 20 of the [Land Title Act](#).

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

Cancellation of note against land title

58 (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.

(2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.

(3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.

(4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.

(5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.

(6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57

(5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

Attachment M - Sections 72, 73, 76, 77 & 78 of the *Community Charter*

Sections 72, 73, 76, 77 & 78

Council may impose remedial action requirements

72 (1) A council may impose remedial action requirements in relation to

- (a) matters or things referred to in section 73 [*hazardous conditions*],
- (b) matters or things referred to in section 74 [*declared nuisances*], or
- (c) circumstances referred to in section 75 [*harm to drainage or dike*].

(2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement

(a) may be imposed on one or more of

- (i) the owner or lessee of the matter or thing, and
- (ii) the owner or occupier of the land on which it is located, and

(b) may require the person to

- (i) remove or demolish the matter or thing,
- (ii) fill it in, cover it over or alter it,
- (iii) bring it up to a standard specified by bylaw, or
- (iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.

(3) In the case of circumstances referred to in section 75, a remedial action requirement

(a) may be imposed on the person referred to in that section, and

(b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

Hazardous conditions

73 (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
- (b) a natural or artificial opening in the ground, or a similar matter or thing;
- (c) a tree;
- (d) wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
- (e) matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.

(2) A council may only impose the remedial action requirement if

- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
- (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3)

(i) [*spheres of authority — buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

Time limit for compliance

76 (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [*notice to affected persons*] is sent to the person subject to the remedial action requirement.

(3) The council may extend the time for completing the required action even though the time limit previously established has expired.

Notice to affected persons

77 (1) Notice of a remedial action requirement must be given by personal service or by registered mail to

- (a) the person subject to the requirement, and
- (b) the owner of the land where the required action is to be carried out.

(2) In addition, notice of the remedial action requirement must be mailed to

(a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and

(b) any other person who is an occupier of that land.

(3)A notice under this section must advise

(a)that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 [*person affected may request reconsideration*], and

(b)that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 [*municipal action at defaulter's expense*] at the expense of the person subject to the requirement.

Person affected may request reconsideration by council

78 (1)A person who is required to be given notice under section 77 (1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.

(2)Subject to section 79 [*shorter time limits in urgent circumstances*], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.

(3)If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.

(4)After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.

(5)Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [*notice to affected persons*].

Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Superintendent Brian Hunter
Subject: **RCMP Quarterly Update**

File No:

Staff Recommendation

THAT Council receive into the record the report dated July 21, 2020 titled "RCMP Quarterly Report".

Strategic priority objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Background

Quarterly Report attached.

Financial implication

Not applicable.

Analysis

Not applicable.

Attachments

Attachment A – Quarterly Report

Respectfully submitted,

Superintendent Brian Hunter
Officer in Charge
Penticton South Okanagan Similkameen Regional RCMP Detachment

Concurrence

Acting Chief
Administrative Officer

JB

RCMP·GRC



ROYAL CANADIAN MOUNTED POLICE • GENDARMERIE ROYALE DU CANADA

**PENTICTON SOUTH OKANAGAN
SIMILKAMEEN
REGIONAL DETACHMENT**

**QUARTERLY REPORT
(PENTICTON)**

April – June 2020



Royal Canadian Mounted Police Gendarmerie royale du Canada

Canada

Penticton Detachment received 5,100 calls for service during this reporting period. 4,135 of these calls for service occurred within the municipality of Penticton.

Total reported crime events in the municipality for the period was 1,751, which is down 19% from last year (2,174). This change is driven largely by the decrease in Property Crime, which went from 1,380 to 1,055 - a decrease of 24% from the same reporting period last year.

There have been several search warrants executed and arrests of chronic offenders during this reporting period. Recidivism in the community remains a problem.

2020/21 Penticton Detachment Policing Priorities

- **Crime Reduction (Property Crimes and Drugs):** Identifying and managing prolific offenders through enhanced enforcement in partnership with community agencies (ie: Crown, Probation, Mental Health). The focus will be on drug and property crime offenders.
- **Traffic - Road Safety:** Increased enforcement, both tickets and written warnings. Reduction of Impaired drivers on the roads through criminal code charges and Immediate Roadside Prohibitions. Joint operations with South Okanagan District Traffic Units. Education and Awareness campaigns to be presented to the community throughout the year.
- **Family and Sexual Violence:** Focus on education, awareness and community support to foster a “wrap around” approach of harm reduction. Creating a supportive environment for victims of family and sexual violence to have the confidence to come forward and seek assistance from the police and community partners.
- **Employee Wellness:** Policing can be very stressful for both our sworn police officers and our civilian employees who support police operations. The effects of this stress can be devastating. The detachment will be forming a wellness committee whose objective will be to share wellness strategies as well as organizing wellness activities for all employees (workshops, group hikes/activities, etc.)

Superintendent Brian Hunter
Officer in Charge
Penticton South Okanagan Similkameen Regional RCMP Detachment.



PENTICTON (MUNICIPAL) Q2 2020 STATS

Calls for Service	Q2 2019	Q2 2020	% Change 2019 to 2020	Q2 YTD 2019	Q2 YTD 2020	% Change YTD 2019 to 2020
Total Calls for Service	4900	4135	-16%	8400	8020	-5%

Violent Crime	Q2 2019	Q2 2020	% Change 2019 to 2020	Q2 YTD 2019	Q2 YTD 2020	% Change YTD 2019 to 2020
Assault (Common & With Weapon/Cause Bodily Harm)	119	106	-11%	213	209	-2%
Sex Offences	24	18	-25%	42	40	-5%
Uttering Threats	63	58	-8%	112	109	-3%
Domestic Violence (Violent Crime Only)	40	31	-23%	90	75	-17%
Violent Crime - Total	249	226	-9%	453	445	-2%

Property Crime	Q2 2019	Q2 2020	% Change 2019 to 2020	Q2 YTD 2019	Q2 YTD 2020	% Change YTD 2019 to 2020
Auto Theft	69	29	-58%	116	96	-17%
Bicycle Theft	62	42	-32%	80	60	-25%
Break & Enter - Business	76	43	-43%	145	117	-19%
Break & Enter - Residence	44	35	-20%	72	48	-33%
Break & Enter - Other	37	17	-54%	85	58	-32%
Mischief to Property	442	355	-20%	694	669	-4%
Theft - Other	143	98	-31%	225	205	-9%
Shoplifting	123	56	-54%	243	229	-6%
Theft from Vehicle	224	234	4%	360	446	24%
Fraud	96	83	-14%	158	177	12%
Property Crime - Total	1380	1055	-24%	2290	2217	-3%

Top 10 Calls for Service - Penticton Detachment (Municipal)

Initial Call Type	# of Calls
Disturbance	334
Theft	307
Unwanted Person	306
Suspicious Person	233
Abandoned 911	224
Suspicious Circumstances	214
Check Wellbeing	208
Traffic Incident	151
Property	142
Alarm	129



Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Heather Buzzell, Chief Librarian
Subject: **Update on Library Services**

File No: 0550-02

Staff Recommendation

THAT Council receive into the record the report dated July 21, 2020 titled "Update on Library Services".

Strategic priority objective

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

The Penticton Public Library has been closed to the public since the 17 of March, 2020.

On the 18 of March the library began it's first online programing with a Facebook Live Storytime. Since that time programing staff have delivered more than 75 programs virtually; either through Facebook, Instagram or on Zoom. While judging the "attendance" or reach of an online program is often difficult, we have (as of July 9) had 11,228 views of the Facebook videos. These programs reached across the span of ages and audiences with a specific focus on teens and families with young children. Since the middle of May we have seen a small decline in views as child-care reopened and families returned to work. However, we are still averaging over 100 views per video. On July 7 both the Summer Reading Club and Teen Summer Takeover began and are being run via social media and online platforms.

Additionally, the Library began focusing our promotion on our online resources. By the end of March, the Library had developed online registration forms, and as of the end of May we had 195 new patrons registered. Many vendors offered expanded service during the initial months of our closure and staff developed several 'how-to' guides to assist patrons in using the databases. The Library also increased funding for digital materials to enhance the provincial e-book and digital audiobook collections. Unsurprisingly e-book circulation (including magazines, audiobooks, and videos) has more than doubled over the same period last year (up by 244%).

On May 12 the Library began the Library Takeout service. This allowed individuals could place items on hold and pick them up safely at the west (book drop) entrance. This gave limited access to our collection and

enabled us to recall items that were in circulation when we closed in a controlled manner. A Safe Work Procedure was developed for this service and has informed our planning for future operations. As of June 30, we have checked out 8,657 via Library Takeout, about 25% of our usual monthly total. Based on anecdotal evidence, the disparity is largely due to browsing preference and personal computer/device access.

On May 6, BC's Premier launched the BC ReStart Plan in which recreation and cultural institutions leave to reopen if they were able to do so safely. Since the beginning of May we have received numerous requests, comments and questions about physically reopening the Library.

Our ongoing operational planning, which will allow us to reopen safely is being informed by work done by The Canadian Urban Libraries Council, the Ministry of Education – Libraries Branch, and the Association of British Columbia Public Library Directors – plus WorkSafeBC guidance offered to the cultural sectors.

On July 15, the Library Board will discuss/approve the Penticton Public Library's reopening plan for a soft restart of library services including:

- Limiting open hours for circulation & limiting time spent in the library
- Limiting hours for public computer use
- Continuing Library Takeout with limited hours
- Continuing public programming online only
- Removing all seating and most tables

Financial implication

Ongoing maintenance and enhanced cleaning of the Library Museum Building will be required.

Respectfully submitted,

Heather Buzzell
Chief Librarian

Concurrence

Acting Chief Administrative Officer
JB

Council Report

penticton.ca

Date: July 21, 2020 **File No:**
To: Donny van Dyk, Chief Administrative Officer
From: Tobi Pettet, Engineering Tech III
JoAnne Kleb, Engagement Strategist
Subject: **Community Engagement Plan for the Transportation Master Plan**

Staff Recommendation

THAT Council direct staff to proceed with the Community Engagement Plan outlined in the report titled "Community Engagement Plan for the Transportation Master Plan" for the transportation component of the Integrated Infrastructure Master Plan;

AND THAT Council direct staff to proceed with that Community Engagement based around the Transportation Goals and Policies endorsed by the Official Community Plan.

Executive Summary

Staff has been involved in a project to develop an Integrated Infrastructure Master Plan (IIMP), including a transportation segment, since March 2020. The IIMP identifies the projects needed to deliver the vision, goals and policies in the Transportation and Infrastructure section of the Official Community Plan (OCP). Through the IIMP, the vision to shift the focus on the car to more active forms of transportation and transit can become a reality but this will mean changes for our residents. The following report outlines how the City will start to lay the foundation for the changes to our transportation systems through community engagement in the development of the transportation section of the IIMP.

Strategic priority objective

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

The new Official Community Plan was completed in 2019 following the largest engagement effort undertaken by the City of Penticton. The plan provides a vision for the community and direction in seven main policy areas including Transportation and Infrastructure. The City is currently developing a new IIMP to align the existing water, sanitary, storm, electrical and transportation master plans with the new OCP. The

job of the IIMP Plan is to identify the projects needed to achieve the goals and policies in the OCP and provide a prioritized action plan for the next 5, 10, 20 and 25 years.

What is the vision for transportation in the OCP?

The Transportation section seeks to prioritize planning for and investment in active modes of transportation and transit which offer significant social, environmental, economic and health benefits. The goal is to provide ease of mobility regardless of how you choose or are able to get around, where you live, your income or your age. Through the plan, the City will make the best possible use of our valuable land that is dedicated to roads, parking, cycling and walking.

To support this vision, the OCP advocates a **Complete Transportation Approach** and provides a hierarchy to prioritize design, investment, and renewal of transportation infrastructure in urban and suburban areas as follows:

	Goals
1. Walking	Ensure that residents and workers throughout Penticton have the opportunity to walk to parks, schools, shopping, employment and other destinations in safety and comfort.
2. Biking	Develop a connected network of safe and convenient cycling infrastructure that meets the needs of recreational riders, casual riders and commuters.
3. Transit	Support public transport as a comfortable, affordable, safe and convenient means of local and regional transportation.
4. Goods Movement	Support the continued growth and success of a thriving industrial and commercial businesses by ensuring the safe and efficient movement of goods and provision of services in Penticton.
5. Multi-Occupant Vehicles	Ensure that driving is safe for both drivers and other users of the road.
6. Single-Occupant Vehicles	Ensure that driving is safe for both drivers and other users of the road.

Through the development of the transportation section of the IIMP, the City will identify the projects and activities needed to support the shift to a Complete Transportation Approach.

Transportation Master Plan

The Transportation section of the IIMP is a multimodal study that considers impact of decisions on all users of all ages and modes. An existing conditions assessment of all modes of transportation (pedestrian, cycling, transit, goods movement, and the street network including parking and traffic calming) is reviewed. Principles, goals, and objectives are developed for each mode of the transportation network.

A city wide transportation model is developed as part of the master plan to understand the demands, constraints and opportunities of the existing transportation network as well as predicting the traffic flows and capacity constraints of the future transportation network.

The recommendations for future improvements are based on the outcomes of the existing conditions assessment, transportation model, advisory committee meeting and public feedback. The master plan will identify a 5, 10, 20 and 25-year implementation strategy with projects prioritized as high, medium or low.

Community Engagement

Although the scope of this plan is to identify all of the infrastructure projects needed to achieve the vision in the Official Community Plan, only the transportation component has been identified as requiring public involvement.

Public involvement in the development of Transportation segment is often very significant as the plan needs to reflect the community vision for the City's transportation systems and can lead to significant changes to the daily activities of citizens. As Penticton recently outlined its vision for Transportation through the creation of the new Official Community Plan in 2019 following the largest engagement program undertaken by the City, the majority of the direction that would be provided by the community has already been captured. As a result, staff is proposing an engagement program that emphasizes communication of the transportation vision in the OCP and invites participation in the identification of the projects needed to achieve this direction.

The following is a summary of the key initiatives of the engagement program.

- Representatives of key stakeholder organizations will be invited to provide a representative to participate in an advisory group. The group will meet approximately three or four times at key points in the project to offer subject matter expertise and local knowledge to staff and the consultants and to champion the vision in the OCP. The creation of the group is an engagement activity and is not a committee of Council. Membership will be made up of representatives from the following organizations:
 - BC Transit
 - ICBC
 - Travel Penticton
 - Berry and Smith (transit operator)
 - Penticton Industrial Development Association
 - Chamber of Commerce
 - Downtown Penticton Association
 - Penticton and Area Cycling Association
 - Senior Representative (Penticton Seniors' Drop-In Centre)
 - Youth Representative (Okanagan College)
 - Lakeside Road Residents group
- Community involvement will occur in two phases. The first phase (July-Aug) will reintroduce the vision for transportation in the official community plan and invite residents to identify transportation infrastructure issues, needs and opportunities to achieve this vision. The second phase (Sept-Oct) will invite residents to help identify the priorities and confirm the projects identified by staff, the advisory group and the consultants. All activities will be supported through the shapeyourcitypenticton.ca website with paper options also available. Open House and Information Sessions will be considered for the second phase depending on the status of COVID-19.
- Given the scope of the Official Community Plan, staff anticipate that residents may not be familiar with the direction provided by the transportation section. The success of the transportation master plan and implementation of the projects will rely heavily on a foundational understanding and buy in to the vision and strategies in the OCP. As a result, education will be a priority throughout the process. Staff will use videos, web content, print materials and social media to build understanding of the vision and connect the activities of the transportation master plan.

- Staff will also consult with other key stakeholder groups on a targeted basis as the work develops. Internal departments that will be consulted include Bylaw, Emergency Services, and Planning. Committees that will be consulted include the Economic Development and Prosperity Committee and the Climate Action Committee. Government institutions that will be consulted include: Regional District of Okanagan Similkameen, School District #67, the Ministry of Transportation and Infrastructure, Interior Health. Staff will also seek to consult representatives of the Penticton Indian Band.
- Staff are aware that there are a number of initiatives underway that align with or intersect with this plan. The identification of the Lake-to-Lake Cycling Route and the application for the Age-Friendly Designation are a few of the initiatives where it may be possible to combine engagement activities and data collection efforts. Where possible, staff will seek to identify efficiencies in completing the work and align efforts to the vision in the OCP.

Financial implication

The consulting agreement cost for the transportation portion of the infrastructure master plan is \$157,851.20 and the cost for community engagement is \$12,407.20. These amounts are contained within the 2020 budget. These costs do not reflect activities undertaken by staff.

Analysis

Considerable public engagement was undertaken to complete the OCP and that document has set the long term vision for our community. Using the principals developed in it are a sound approach to how to move forward with the infrastructure projects needed to deliver the vision. The public engagement plan outlined in this report builds on what has occurred in the OCP engagement, works with specific experts in the advisory group, will reach out to the public at several different points and use that input to develop the Transportation segment of the Integrated Infrastructure Master Plan.

Should Council choose they could provide specific direction to staff regarding the use of the transportation hierarchy and the plans for public engagement.


Alternate recommendations

THAT Council provide specific direction to staff regarding public engagement and incorporation of the Transportation hierarchy in the development of the Transportation section of the Integrated Infrastructure Master Plan.

Respectfully submitted,

Tobi Pettet P.Eng.
Engineering Tech III

JoAnne Kleb
Engagement Strategist

<p>General Manager of Infrastructure</p> 	<p>Acting Chief Administrative Officer</p> <p>JB</p>
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Council Report

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Date: July 21, 2020 File No: 1855-03
To: Donny van Dyk, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure
Subject: **FCM Asset Management Program Grant Application AMIP Update**

Staff Recommendation

THAT Council direct staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program to update the City of Penticton Asset Management Investment Plan;

AND THAT the City of Penticton commits to conducting the following activities in its proposed project submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program to advance our asset management program:

- Update Asset Management Plan

AND THAT the City of Penticton commits \$3,240 from its budget toward the costs of this initiative;

AND FURTHER THAT the General Manager of Infrastructure and or the Chief Financial Officer be authorized to sign any required forms related to the grant application.

Strategic priority objective

This project supports the City's Strategic Pillar of Asset and Amenity Management – The City of Penticton will ensure the service we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

FCM has an open grant intake for their Asset Management Program. The intent of the Program is to assist local governments in delivering sustainable services by extending and deepening asset management practices within their organizations. The Program provides 80% funding to a maximum of \$50,000.

The last update to the Asset Management Investment Plan was made in 2018. Since that time assets have been retired and built across all asset classes and the most significant change has been the Parks assets have now been fully entered into the GIS system. It is now time to undertake another update to the Asset Management Investment Plan so that it accurately reflects the amount of money that should be spent on an annual basis to have sustainable assets.

Financial implication

The budget for the work is estimated at \$16,200 with the FCM grant portion being \$12,960 and the City portion being \$3,240.

Analysis

Passing of the resolution will make the grant eligible for consideration under the grant submission process and open the possibility for grant funding.

Should Council choose they could provide alternate direction to staff.

Alternate recommendations

THAT Council provide alternate direction to staff.

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure

Approvals

Chief Financial Officer <i>JMB</i>	A/CAO JB
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Council Report

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Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Bregje Kozak, Director Recreation & Facilities

File No:

Subject: Fees and Charges Amendment Bylaw No. 2020-31

Staff Recommendation

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2020-31", a bylaw that charges a flat fee for all single reservation admissions for the Fitness Room and Aquatic Centre;

AND THAT Council adopt "Fees and Charges Amendment Bylaw No. 2020-31";

AND THAT Council temporarily suspend the Specialized Admission Program fees as outlined in Division 7 and Admission to Facilities as outlined in Division 3 of the Parks, Recreation and Culture Fees and Charges Policy until such time as the CAO determines and advertises by way of Public Notice that it is appropriate to resume the subsidy programs.

Strategic priority objective

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

COVID-19 has significantly impacted the ability to provide recreational services in our community. With the community centre pool and fitness room scheduled for a gradual re-opening starting in August, the Fees and Charges Bylaw No. 2014-07 needs to be amended to reflect the drastic change in service levels. An online booking system will be implemented for both the pool and fitness room, with limited capacities and set time slots.

The Recreation team will monitor re-opening plans and depending on the success of the re-opening and how quickly service levels can be increased, will make a recommendation to the CAO on when the flat fee rate will transition back to prescribed 2020 fees.

All other recreation facility rental and booking fees remain as prescribed in the Fees and Charges Bylaw.

In addition to the requested fee amendment, the existing Parks, Recreation and Culture fees and charges policy (Attachment A) must be amended to reflect suspension of Division 3 – Admission to Facilities and

Division 7 - Specialized Admissions Programs (including LIFE passes). These programs were established to provide free and low cost recreation opportunities for our residents. Considering the financial implications of these programs, and our limited capacities, service levels and revenue opportunities during the early stages of re-opening, these programs will be temporarily suspended until such time that capacities and revenues resume closer to normal levels.

The above noted service changes have been addressed in Attachment B - Penticton Community Centre Opening Guidelines.

Financial implication

A typical monthly subsidy rate of \$95,000 was originally budgeted for 2020 community centre operations, prior to COVID-19. Based on the adjusted service levels and recommended fee amendments for the pool and fitness room, an average monthly subsidy of \$100,000 is anticipated upon re-opening.

Analysis

COVID-19 has had a significant impact on the ability to provide recreational services within our community. A gradual, phased re-opening of our services is required to meet all industry and provincial guidelines, resulting in reduced capacities and ability to generate revenue. The fee amendment and temporary policy change are temporary measures put in place to help support this re-opening process.

Alternate recommendations

THAT council provide staff with alternate direction.

Attachments

Attachment A – Parks, Recreation and Culture Fees and Charges Policy

Attachment B – Penticton Community Centre Opening Guidelines

Attachment C – Fees and Charges Amendment Bylaw No. 2020-31

Respectfully submitted,

Bregje Kozak
Director, Recreation & Facilities

Concurrence

Chief Financial Officer <i>JWB</i>	A/Chief Administrative Officer JB
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COUNCIL POLICY MANUAL

Pages: 1 of 14
Approval Date:
Resolution No. 1047/2012

SECTION: PARKS, RECREATION AND CULTURE SUBJECT: FEES AND CHARGES POLICY
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GOAL:

Leisure/recreation services are a basic human need much like health, safety and education. As such, leisure/recreation services should be available to all residents.

SCOPE:

There is a view that public leisure/recreation services should be free to potential users; however, with the increased costs of maintaining and constructing facilities, it has become impractical to provide free access to all if we wish to continue to provide an acceptable standard of service. There is also a belief that the user of leisure/recreation services should pay more than the non-user for all but basic opportunities. Therefore the rationale is that fees should be charged; should be established only out of a financial necessity; and should not be a primary source of funds for operation.

POLICY:

1. Comprehensive Parks, Museum and Recreation Fees and Charges schedules are reviewed, updated and approved (*excluding Cemetery) by City Council at least every three years. All new/extraordinary items are approved by City Council as required.
2. Staff does not have the ability to waive or otherwise alter fees and charges. All requests for fee reduction or exemption must be presented and approved by City Council. *Under extraordinary circumstances, the City Manager may be authorized to adjust the approved rates. Such adjustments will be reported to City Council at the next meeting.*
3. At the discretion of the General Manager – Recreation Services, for large or special circumstance bookings (ie conventions, multi-day bookings, etc.) staff may alter fees and charges for rentals and equipment so that prices may be negotiated in order to be competitive with other like facilities or to complement Penticton Trade & Convention Centre bookings.
4. In the event of a change to fees and charges, the approved rate at the time of facility use will prevail.
5. The public should have adequate advanced notice of increases to the fees and charges rates in order to allow them time to adjust registration fees or fundraising activities to accommodate the increases.
6. City of Penticton residents with limited financial discretionary power should have an opportunity to participate with little or no charge in certain basic opportunities.

Fees and Charges Principles:

1. While everyone pays taxes, the user of leisure/recreation services should pay more than the non-user for all but basic opportunities.
2. Fees and Charges should supplement taxation as a source of revenue.
3. Financial policies should not discriminate against any segment of the population.
4. Non-basic services which have a fee or charge should be reviewed regularly to ensure they are still a priority within the City's short range plan.
5. Use of public leisure/recreation services facilities and spaces by private groups should be considered secondary to general public use or use by non-profit leisure/recreation orientated organizations. Only under unusual circumstances should private use hamper ongoing City programs.
6. The following special services will be charged for if provided by the City:
 - a) Expendable/consumable materials (i.e. materials such as arts and crafts supplies, food, fuel, etc.);
 - b) Extraordinary requests (i.e. when a service is demanded by comparatively few people and the cost for providing the services is relatively high);
 - c) Incremental labour charges for special requests; (i.e. lifeguards, theatre technician, locate requests, overtime, etc.);
 - d) High cost facilities (i.e. facilities requiring large capital expenditure or involving above average maintenance);
 - e) Use of equipment (i.e. rental items);
 - f) Protection of property (i.e. locker services or community storage);
 - g) Non-resident rentals of any City facility;
 - h) Exclusive occupancy (i.e. the exclusive temporary use of arenas, swimming pools, meeting rooms, playing fields, picnic areas, or other recreation areas and facilities);
 - i) Extraordinary wear and tear or damage caused by a specific activity;
7. Fees outside of The City of Penticton's authority are the responsibility of the user (i.e. insurance, food and beverage licensing, electrical permits, SOCAN, etc.)
8. SOCAN fees will be calculated and charged as an additional rental fee.
9. The City has the right to profit on the use of facilities when public resources are utilized by profit motivated companies, groups, or individuals.
10. A minimum number of rental hours may be established for some facility use.
11. Playgrounds, playfields, picnic areas, beaches, tennis courts and multi-purpose courts should be considered basic services and no fee designated for their use unless exclusive use is required and/or an admission charge is levied.
12. One outdoor tennis court site will be kept unscheduled at all times.
13. Notwithstanding the above, every effort should be made to keep the cost of facility operation down by encouraging efficient operation and volunteer involvement.

Fees and Charges By-Law:

This by-law has been divided into the following Divisions:

Division 1	Definitions and Interpretations
Division 2	Age Groupings to Establish Fees
Division 3	Admission to Facilities
Division 4	Membership Cancellations/Extensions/Card Replacement
Division 5	Program Fees
Division 6	Refunds or Credits
Division 7	Specialized Admission Programs
Division 8	Rental of Equipment/Special Services
Division 9	Rental of Recreation Facilities
Division 10	Basis for Calculating Rental Costs
Division 11	Assignment of Rental Fees/Subsidies
Division 12	Event Rate Negotiations
Division 13	Facility Allocation
Division 14	Booking Changes and Reassignment,
Division 15	Booking Cancellation
Division 16	Payment, Establishing Credit and Deposits
Division 17	Appeals Mechanism
Division 18	Alcohol Policy
Division 19	Special Events/Tournaments
Division 20	Ticket Takers and Security
Division 21	Food, Beverage and Retail
Division 22	Noise Abatement Guidelines

and the following Schedules for Fees and Charges:

Schedule D1	Facilities and Field Rates
Schedule D2	Cemetery
Schedule D3	Admission Fees
Schedule D4	Marinas
Schedule D5	Miscellaneous Park Fees
Schedule D6	Museum

DIVISION 1 - Definitions and Interpretations

For the purposes of this by-law, the following definitions will be used:

Public – City of Penticton or School District #67 sponsored recreational and educational programs.

Non-Profit – Any organization registered under the Societies Act or so designated by an appropriate Advisory Committee. The group shall meet all the following criteria:

- Membership of the group is open and available to Penticton residents.
- The purpose and practices of the group are not contrary to the BC Human Right Act; or the group is not involved in the promotion of unlawful activities.
- The purpose of the group shall enrich the lives of the residents of Penticton.

Local Private - Any group whose activities are not open to the general public and there is no admission charge or fee collected.

Commercial – Any group whose objective is to gain profit for its owners or an admission charge or fee is collected with the majority of funds being directed to an organization other than a non-profit organization.

Local – Any group in which the majority of its members reside in or own business or property within the City of Penticton.

Non-Resident – Any group in which the majority of its members does not reside in nor own businesses or property within the City of Penticton.

Child/Youth – Any person up to and including the age of 18.

Adult – Any person 19 years of age and over.

Regular Booking – An ongoing booking that occurs over three consecutive occasions or more, and confirmed at time of booking.

Non-Regular Booking – A single booking or a booking that does not occur over three consecutive occasions or more, and not confirmed at time of booking.

Licensee- The signatory on the "*License to Use or Occupy*" agreement who has sufficient power, authority and capacity to bind the License with his/her signature.

City Persons – Elected officials, officers, employees, servants, and agents.

Council – The council of The City of Penticton.

License to Use or Occupy- The invoice/rental agreement issued pursuant to this bylaw for the use of a facility or portion thereof– shall hereby be referred to as the *User Agreement*.

Facility – includes any building, or other land improvement, including but not limited to recreation centres, pools, arenas, parks and sports fields, sports courts, ball diamonds, gymnasias, picnic shelters, and other recreation facilities located on any land which the City owns or controls by means of a lease, license or other legal instrument, that is intended for the athletic, social, cultural or recreational use by members of or visitors to the community.

User Group – Any organization that is issued a User Agreement.

DIVISION 2 – Age Groupings to Establish Fees

For the purpose of admissions, the following age groupings will apply:

1. Preschool – birth through 5 years (birth through 6 years for pool admissions*)
2. Child – age 6 through 12 years (age 7 through 12 years for pool admissions)
3. Youth – age 13 through 18 years
4. Adult – age 19 through 59 years
5. Senior – age 60 through 74 years
6. Super Senior – age 75 and over
7. Family – a parent(s) / legal guardian(s) and his, her or their child(ren) 18 years of age and under.

**Preschool pool admissions age group extended to 6 years as the swim policy requires children 6 years and under to be accompanied in the water, and within arm's reach of a responsible individual 16 years or older.*

DIVISION 3 – Admission to Facilities

1. Admission rates will be charged for public sessions at swimming pools, arenas, public gymnasium, public fitness rooms and indoor sport use. Fees should be reviewed in accordance with this bylaw and compared to current rates for comparable services in the public and private sectors.
2. Admission fees will not be charged when the cost of collection is greater than the revenue to be gained.
3. Preschool, children, youth, seniors and super seniors will receive a lower admission rate due to their generally lower discretionary spending power.
4. A 10% discounted rate will be given on the sale of bulk (10 or more) single admission tickets. A 20% discounted rate will be given on the sale of 20 single admissions tickets or more. Bulk tickets must be purchased in one transaction.
5. Parks, Recreation or Culture management staff will be permitted to approve admission fees or rental rates of a special nature to promote the use of facilities by the public.
6. A person with a disability will pay the same rate as others in their age group unless the individual qualifies for a specialized admission program (see Division 7). An assistant to a person with a disability, where required for participation, is admitted for FREE. Equipment rentals are not included.
7. Admission prices include applicable taxes.

DIVISION 4 – Membership Cancellations/Extensions/Card Replacement

1. **Cancellations** – a prorated refund will be issued for cancelled membership passes.
2. **Extensions – Client requested** – when requested in advance of a leave by a client the following extensions will apply:
 - a. 1 month – No extensions granted.
 - b. 3 month – 1 extension only if client is away for 2 weeks or more.
 - c. 6 month – up to 2 extensions only if client is away for 2 weeks or more each time.
 - d. 12 month – No extensions granted.

**Exception may apply for medical reasons. A doctor's note will be required.*
3. **Extensions – Service Interruption** – When a client has been inconvenienced by a City service interruption, extensions will be granted. Client must request an extension.
For example:
 - a. Facility shut down.
 - b. Temporary closure where the client's daily participation was impacted (i.e. pool fouling).
 - c. Swim meets.
 - d. Facility closure.
4. **Membership Card Replacement** – The first replacement card will be issued at no charge. Subsequent replacements will be charged as per the fee schedule.

DIVISION 5 – Program Fees

1. Program fees will be set at a level sufficient to cover all instructor, expendable/consumable materials and extraordinary costs, plus a 20% administration fee to recover a portion of overhead. The calculated program fee utilizing this formula will be compared to 'market rate' and adjustments made where required to remain in line with those rates.
2. Staff will be empowered to approve partial or complete subsidies of program fees for residents of Penticton who are unable to pay, providing the program will have adequate registration revenues to operate without the subsidized participant.
3. Refunds will be granted where a participant is not satisfied with the service provided.
4. Where a participant is unable to attend for personal or medical reasons, a prorated refund will be made. Advanced notice is required. Exceptions may apply for medical reasons - a doctor's note will be required.
5. Should the City cancel a program, a refund or credit on account will be made.
6. Staff may specify notice required for withdrawal from a program for a full refund where financial commitments to run the program are required.

DIVISION 6 – Refunds or Credits

Where applicable, refunds or credits may be applied to a client's account.

1. **Credits** – Credits will be maintained on client accounts. Credits will be reviewed by staff, on an annual basis, with contact to the client. Cheques will be processed for people requesting a refund, otherwise the credit will remain on account.
2. **Refunds** – When payment has been made by:
 - *Credit card* - the refund will be processed back to the card if requested by the client. Where the credit card has expired, the refund will be issued by a cheque.
 - *Debit card* – the refund will be processed back to the debit card if requested by the client and the client is in person. Otherwise the refund will be issued by cheque.
 - All other refunds will be processed by cheque when a refund is requested.**Refunds by cheque require up to a one week processing period.*

DIVISION 7 – Specialized Admission Programs (Volunteer, LIFE, Corporate, Agency Activity, etc.)

1. **Volunteer Services**

The Recreation Department recognizes the contribution of its volunteers in many ways. One is to provide access to programs and activities within the department. Accumulated hours can be applied towards participation in a recreation program or activity.

Volunteer hours can be redeemed for:

- 1 hour = One complementary drop in session (swimming, fitness room or skating).
- 2 hours = One complementary Fitness class (aqua fit or land fit).
- 2 hours = One hour registered program - Hours can be redeemed for registration into recreation or aquatic programs on a 2:1 ratio. For example, a 5 hour craft class would require 10 volunteer hours for free registration. Some programs are not eligible for exchange. Supply costs in excess of \$5 per person are the responsibility of the volunteer (registrant);
- 10 hours = One Cleland Theatre performance. Limited seating available (for Theatre Volunteers only).

With the approval of the Recreation Coordinator responsible for volunteers, a volunteer's benefits can be used by a member of his/her immediate family.

2. **LIFE Program**

No Penticton resident or property owner should be refused admission or registration for any City sponsored activity due to their inability to pay the full fee or charge. The LIFE Program is designed to provide free and low cost recreation opportunities to individuals and families on limited income.

Eligibility:

- Only residents of the City of Penticton, West Bench and residents of Penticton Indian Band lands may apply for the LIFE Program.
- Applicants must have resided in Penticton, West Bench or Penticton Indian Band lands for 3 months or more.
- The LIFE Program is for individuals and families whose gross combined 'after tax' income falls below the LOW INCOME levels recognized by Statistics Canada (to be reviewed annually).
- Post Secondary Students are not eligible.

There is some flexibility, on a case by case basis, in regards to the three month waiting period to establish residency qualifications and the subsidy rate for programs/passes for individuals that qualify for the program based on financial need and who also have health issues that requires immediate and/or frequent access to the City's recreation and wellness services.

Eligible participants (each family member) can receive:

- 24 complimentary admissions to swimming, aqua fit, skating, fitness room, or fitness drop-in sessions.
- 24 half-price admissions to swimming, aqua fit, skating, fitness room, or fitness drop-in sessions.
- 50% reduction in program fees, two programs per year, to a maximum of \$25.00 per program. Some programs are not eligible.
- One complimentary set of swim lessons per year for children 4 months to 12 years of age.

Other Considerations:

- The LIFE card must be presented at the time of registration or admission.
- One card is issued per year for each eligible family member. If lost or misplaced, the first replacement card will be issued at no charge. Subsequent replacements will be charged as per the fee schedule.
- Cards are valid for one year from the date of issue.
- Cards are non-transferable and have no cash value.
- The activity or program must be financially viable through paid admissions/fees.
- Specialized instruction (i.e. leadership or instruction) is not considered part of a basic leisure/recreation program.

3. Group/Corporate Passes

Businesses or groups may take advantage of the corporate pass program.

Eligibility:

- Participation must be maintained by 6 individuals.
- Discounts off monthly passes only.
- All passes must be purchased in one transaction.

Discounts are as follows:

15% for groups of 6-10 people

20% for groups of 11-24 people

25% for groups of 25+ people

4. Agency Activity Pass

The Agency Activity pass is designed to address the needs of those agencies with clients who require close supervision while participating in drop-in activities and who also have financial limitations

accessing recreation programs. Any local group which addresses persons with physical, social or mental difficulties can purchase a "Group Institutional Pass" which allowed any of their staff, along with any number of their clients' access to the pool and fitness room. *Pass is not for personal use of agency staff.*

Eligibility:

- Clients who access the program must be residents of the City of Penticton.
- Clients must be supervised while participating in the activity.

5. Welcome Wagon

Community Centre complimentary passes are provided for new residents.

6. Convention/Tourism Packages

Community Centre "two for one" passes are provided to the event organizers for event delegates.

7. Clinic Rates

Businesses leasing space in the Community Centre that provide Physical Therapy services to their clients, have special weekly and monthly rates charged to their businesses and /or their clients for utilizing the pool and fitness room equipment as part of their physical therapy program.

8. Access Discounts

Access passes are available for persons with a permanent cognitive or physical disability. To be eligible for an Access Pass discount, the individual must meet the eligibility requirements outlined in the Application Form. Access Passes provide a 25% discount on 10 ticket, 1 month, 3 month, 6 months and 12 month passes for the fitness room and pool.

DIVISION 8 – Rental of Equipment/Special Services

1. A rental fee will be charged for the provision of such equipment and supplies as may be deemed rentable.
2. Fees to be set at market value.
3. Rental items will not be removed from City premises.
4. The City can provide special services to local groups and organizations on a cost recovery basis if it does not disrupt the routine operation of the City.

DIVISION 9 - Rental of Recreation Facilities

1. All bookings will be placed on rental agreement forms, whether or not a fee is involved, and the form must be completed, signed and returned with any applicable paperwork prior to the time of the event.
2. Organizations being provided with an in-kind Grant, or rent free usage of a facility must also sign a user agreement in the usual manner. For in-kind grants, the rental fee will be paid for with a journal entry through the City's Financial Department.
3. General conditions will be reviewed annually with the Municipal Insurance Association (MIA) and updated in the User Agreements. General conditions must include:
 - Parties to the agreement;
 - Time period;
 - Intended use of the premises;
 - Identification of property to be used;
 - Insurance requirement (Minimum \$2 Million liability) including the City listed as "additional insured";
 - Indemnification/save harmless clause;
 - Facility/Booking specific costs and conditions.
4. The Applicant shall observe, perform and comply with the requirements of every applicable by-law, statute, regulation or ordinance and with every applicable regulation or order with respect to the

condition, maintenance, use or occupation of the facility and any furniture, equipment, supplies, materials or articles.

- All School District facility use shall be in accordance with the School District 67 and City of Penticton Joint Use Agreement.

DIVISION 10 – Basis for Calculating Rental Costs

The City uses a system which involves the actual costs of operating and financing a facility for the previous year or the projected expenses if more relevant, including administration, and factoring in depreciation. The total cost of a facility is divided by the hours of use, resulting in a cost per hour figure.

Administration + Maintenance + Utilities + Depreciation +
Overhead + Insurance + Debt Service
= Total facility costs

Number of hours/day x Number of days available
= Total available rental hours

Total facility costs / available hours
= Base rental cost/hour

There may be years when rental rates change dramatically for specific users/organizations due to substantial increases in capital, maintenance, administration costs or costs of utilities. In these instances, a "phasing in" process will be implemented. There may also be situations where decreases in rental rates are justified by the calculation system. In these cases, the rate will be frozen until such time as the costs per hour justify the current fee rate.

The calculated rental rate utilizing this formula will be compared to 'market rate' and adjustments made where required to remain in line with those rates.

DIVISION 11 – Assignment of Rental Fees/Subsidies

Assignment of rental fees and fee subsidy levels are calculated on the base rental costs (staff costs, if required, is additional). The base rental ceiling for fee subsidies is set at \$75. Those groups using expensive facilities are responsible for all the costs beyond the approved ceiling. For example, the user pays a percentage of the rental cost up to the \$75 ceiling and 100% of the rental cost over and above \$75.

In determining the appropriate category for fee and priority, it is based upon the group using or performing in the facility and not the user group requesting use or the audience in attendance. In the event of partnership between a non-profit and commercial group, the rate will apply where the majority of the funds are directed. For example, if 51% of the gross profit is being directed to the commercial organization, then the appropriate commercial rate will apply.

Parks/Sport Fields/Room/Arena/Multi-purpose and Gymnasiums:

Rates:	Examples:
1. Local/Non-Profit/Regular <ul style="list-style-type: none"> <i>Child/Youth</i> - User pays 25% of the rental cost up to \$75 and 100% of the rental cost over and above \$75. <i>Adult</i> - User pays 75% of the rental cost up to \$75 and 100% of the rental cost over and above \$75. 	Youth sports (league & tournament), social clubs, etc. Formula Example: Facility costs \$100: $(75 \times 25\%) + (100 - 75) = 43.75$ Adult sports (league & tournaments), social clubs, etc. Formula Example: Facility costs \$100: $(75 \times 75\%) + (100 - 75) = 81.25$

<p>2. Local/Non-Profit/Non-Regular</p> <ul style="list-style-type: none"> • <i>Child/Youth</i> – User pays 50% of the rental cost up to \$775 and 100% of the rental cost over and above \$75. • <i>Adult</i> - User pays 100% of the cost. 	<p>Youth festivals, year end socials and events, etc. Formula Example: Facility costs \$100: (75x50%)+(100-75) = 62.50 Festivals, events, meetings, socials, swap meets, etc.</p>
<p>3. Local Private - User pays 100% of the cost.</p>	<p>Meetings, birthday parties, invitation only events, etc.</p>
<p>4. Local Commercial - User pays 175% of the cost.</p>	<p>Commercial activities, Farmers Markets, etc.</p>
<p>5. Non Resident - User pays 250% of the cost.</p>	

Cleland Theatre

Rates:	Examples:
<p>1. Local/Non-Profit/Rehearsals/Set up/Take Down</p> <ul style="list-style-type: none"> • <i>Child/Youth</i> - User pays 25% of the rental cost up to \$75 and 100% of the rental cost over and above \$100. • <i>Adult</i> - User pays 75% of the rental cost up to \$75 and 100% of the rental cost over and above \$75. 	<p>Rehearsal, practice or set up only. No audience is present.</p>
<p>2. Local/Non-Profit/Performance</p> <ul style="list-style-type: none"> • <i>Child/Youth</i> - User pays 50% of the cost to a maximum of \$75 at which time the user pays 100% of the rental cost over and above \$75. • <i>Adult</i> - User pays 100% of the cost. 	<p>Performance. An audience is present. Ticket sales may or may not occur.</p>
<p>3. Local Private/ Commercial/ Rehearsal/Set up/Take Down - User pays 100% of the cost.</p>	<p>Rehearsal, practice or set up only. No audience is present.</p>
<p>4. Convention Rate – 100% of the cost</p>	<p>Applies to conventions at the Trade and Convention Centre.</p>
<p>5. Local Private/Commercial/Performance - User pays 175% of the cost.</p>	<p>Performance. An audience is present Ticket sales may or may not occur.</p>
<p>6. Non Resident/ Commercial/ Rehearsal/Set up/Take Down - User pays 200% of the cost.</p>	<p>Rehearsal, practice or set up only. No audience is present.</p>
<p>7. Non Resident/ Commercial/ Performance - User pays 250% of the cost.</p>	<p>Performance. An audience is present. Ticket sales may or may not occur.</p>
<p>8. Non Resident/ Non Profit/ Rehearsal/ Set Up/ Take Down – User pays 50% of the Non Resident Rehearsal category</p>	<p>Rehearsal, practice or set up only. No audience is present.</p>
<p>9. Non Resident/ Non Profit/ Performance – User pays 50% of the Non Resident Performance category</p>	<p>Performance. An audience is present. Ticket sales may or may not occur.</p>
<p>10. Non Resident Commercial Day Rate – User pays 6 hrs NR Commercial Rehearsal + 2 hrs NR Commercial Performance.</p>	<p>Full day booking.</p>

<p>11. Non Resident Non Profit Day Rate – <i>User pays 6 hrs NR Non Profit Rehearsal + 2 hrs NR Non Profit Performance.</i></p>	<p>Full day booking.</p>
<p>12. Dark Days</p> <ul style="list-style-type: none"> • <i>Child/Youth Non-Profit– User pays 25% of the cost.</i> • <i>Adult/Commercial/Non-Resident- User pays 50% of the cost.</i> 	<p>Theatre is not to be used by the licensee but the licensee requires the theatre to be vacant. Dark day rates apply between the hours of 8am-10pm. Staff not required</p>

**Theatre rates add the Theatre Technician wage to the established rate – except Dark Days. If additional staffing is required, it is at the responsibility of the licensee.*

****THEATRE NOTE:** In the event that a performance is FREE and open to the general public, the rehearsal rates will apply.

DIVISION 12 – Event Rate Negotiations

The City of Penticton reserves the right to negotiate a rate outside of Fees and Charges when a business, organization or agency, has ticketed admissions or revenue generation and the proceeds are not 100% directed to a registered Not-for-Profit. This may include profit share arrangements as determined appropriate by the General Manager – Recreation Services. Revenue sharing for large scale events is 5% for non-profit and 10% commercial up to \$25,000 per day or based on the appropriate rental rate – whichever is greater.

DIVISION 13 – Facility Allocation

1. Use of City parks and facilities will not be allocated on a first come first serve basis, especially where demand for space meets or exceeds available supply. Applications will be accepted:
 - Sport fields and arenas - Two periods each year;
 - Meeting rooms, gymnasiums, activity spaces - Four periods each year;
 - Cleland theatre, event parks and passive parks - Ongoing applications are accepted.
2. Some assessment of the merit of applications is required to prioritize requests before allocation decisions are made. This will ensure that limited resources meet greatest needs. Included in the assessment is consideration for variety of opportunity over quantity of opportunity and would also consider a balance among public, non-profit, private and commercial usage, the allocation priorities, preferences and historical use. Allocation priorities:
 - Local/public (City sponsored activities)
 - Local/public (School Board sponsored activities)
 - Local/non-profit
 - Local/private/commercial
 - Non-resident

Summer ice allocation priorities:

 - Sport/Skill camps, academies or schools
 - Local/public (City sponsored activities)
 - Local/public (School Board sponsored activities)
 - Local/non-profit
 - Local/private/commercial
 - Non-resident

**Summer Priority – priority is given to sport/skill schools, academies and camps that encourage sport tourism and which have had a historical allocation. New programs will be considered as required should new ice time be available.*

3. Some determination of the appropriateness of the use of space is required to ensure that limited resources are put to highest and best use.
4. Requests to pre-empt an allocated user would be assessed and a decision made to the relative merit of the allocated use versus the requested use.
5. Subsequently, requests to use unfilled capacity would be processed on a first come first serve basis.
6. The City reserves the right to protect marquee events by limiting the ability of an event of a similar nature to rent city facilities if, in the City's opinion, the new request would endanger the viability of the existing marquee event.
7. Notwithstanding the foregoing, the City reserves the right to negotiate with organizers of major events and to make final decisions outside of this procedure.

DIVISION 14 – User Agreement Changes or Reassignments

Any changes to User Agreements must be made in writing and a "License to Use or Occupy" amendment signed by both the Licensee and a signatory on behalf of the City. Any trading of booked time must be authorized by the General Manager – Recreation Services or designate.

DIVISION 15 – Booking Cancellations

1. ***Cancellation of Bookings by the Licensee*** - All cancellation requests must be made with the City and will result in the following refunds:
 - Full refund if cancellation is 14 days prior to the first rental booking.
 - Twenty percent (25%) administration fee applied for cancellations within 14 days of the booking.
 - Fifty percent (50%) administration fee applied for cancellations within 7 days of the booking.
 - Cancellations not made at least 48 hours in advance of the event will result in the total amount of the rental fee being charged.
 - Rain-outs must be immediately communicated to the City within 24 hours of rainout. Rescheduling or credits will be applied as applicable.
2. ***Cancellation of bookings by the City*** – Cancellations by the City will cancel the contract and the City will fully refund fees or reschedule in another suitable facility.
3. ***Cancellation by City for Agreement holders Breach*** - Without limiting other remedies available to the City, The City may cancel the User Agreement, prevent the Licensee from holding the event, or remove the Licensee from the facility during the event, and in each of these cases keep the damage deposit if the Licensee breaches any term or condition of the User Agreement.

The City retains the right to reschedule any or all unused recreational facilities arising from a cancellation.

DIVISION 16 – Payment, Establishing Credit and Deposits

1. Payment
 - a. Payment for bookings must be made at the time of confirmation of the User Agreement, except when credit is established prior to the event;
 - b. The City of Penticton reserves the right to demand prior payment of any charges at the time the User Agreement is signed;
 - c. Associations with established credit will have a schedule of payments as outlined on their User Agreement. Statements are issued monthly and payments must be received within thirty (30) days of scheduled payment date;
 - d. Interest is charged at the rate of two percent (2%) per month on all overdue accounts.
2. Establishing Credit - All applications for credit should be made in writing to the Management or

Supervisory staff of the Parks, Recreation or Culture departments who shall have the authority to approve.

Performance Bonds/Damage Deposits - The City of Penticton reserves the right to determine the amount and to require the posting of a performance bond and/or damage deposit based on the nature, level of risk and location of the event. The damage deposit will be returned, less any costs incurred for damages, within seven (7) days of the event. If damages exceed the amount of the deposit, the Licensee will pay all additional amounts owed. Although the City may keep the deposit, the City is still entitled to pursue other legal remedies against the Licensee. Performance bonds and damage deposits must be paid by cash or certified cheque fourteen (14) days prior to the event.

DIVISION 17 – Appeals Mechanism

In the event an applicant disagrees with the decision of staff with regard to booking priority or booking fees, the applicant will:

- a) Meet with the staff who made the decision to try to reach a solution;
- b) If the problem is unresolved, meet with the staff's supervisor;
- c) If the problem is unresolved, submit in writing a description of the complaint to the General Manager – Recreation Services. The Manager will meet with all the parties involved to try to bring about a resolution;
- d) If the applicant is unsatisfied with the decision of Management, he/she can appeal to City Council.

DIVISION 18 – Alcohol Policy

A licensee shall not permit any alcoholic beverages on or in any premises without a valid permit obtained under the Liquor Control and Licensing Act and without the written authorization by the City. The Licensee shall comply with the British Columbia Liquor Control and Licensing Act including all regulations.

Possession or consumption by a Licensee or any of its members or spectators in a recreation facility without a special occasions license may result in the immediate suspension of the User Agreement or those member(s)/team(s) (where appropriate) for the rest of the season.

DIVISION 19 – Special Events/Tournaments

1. RV Placement for Special Events

A fee is required and window permit is issued to those user groups requiring an RV on site for special event security – pending approval of the General Manager - Recreation Services or designate and the RCMP. The number of passes allotted is at the discretion of staff and is issued by the RCMP.

2. Double Cut and Tournament Preparation

This service is provided at the request of the event organizer on a cost recovery basis – for sports tournaments and special events.

3. Weddings

Park Wedding Ceremonies are permitted at the Skaha Pavilion, Rose Garden, Munson Mountain and Marina Way Park. Bookings are based on availability and are subject to an application process. Park Wedding Ceremony Guidelines are available through the Recreation Department. Requests for wedding ceremonies at other City Park locations or for wedding receptions require special approval.

DIVISION 20 - Ticket Takers/Security

The City reserves the right to approve, require or provide ticket takers and security for any event, with the Licensee responsible for all costs.

DIVISION 21 – Food, Beverage and Retail

Where a food and beverage or retail vending contract exists in a recreation facility, no other food and beverage or retail vending opportunities shall be permitted without the City's approval.

The Sales of Food, Beverages or Retail in any City facility must be approved by the City of Penticton and must comply with applicable laws, regulations and statutes.

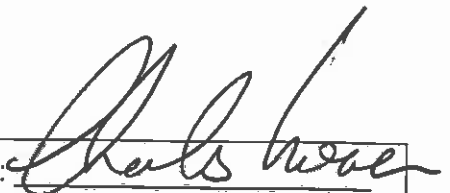
Any temporary sales of merchandise or concessions in the Penticton Community Centre require a percentage of gross sales to be provided to the City of Penticton (5% for non-profit groups; 10% for commercial groups) or a rate negotiated by the General Manager – Recreation Services.

DIVISION 22 – Noise Abatement Guidelines

- a) Event organizers and audio companies using City of Penticton Event Parks must keep noise and music levels under control and to a maximum of 105 dBA-CWeight as measured from the edge of the event area within the park. This is considered an appropriate sound level for concerts.
- b) Event organizers and/or the audio company on site should have an accurate sound measuring device at their disposal to record and monitor sound levels.
- c) Should sound levels be measured above 105 dBA-CWeight, the event organizer or audio company will adjust the sound volume to follow the guideline.
- d) It is understood that there may be intermittent noises that exceed the guideline. These should be kept to a minimum.

Previous Revision/s: January 23, 2012

Acting City Manager:



Penticton Community Centre Opening Guidelines

Facility Availability (Beginning Mid-August)

Fitness Room available for reservation

Leisure Pool & Main Pool available for reservation

Hot Tub, Sauna and Steam Room remain closed.

Hours of Operation

Stage 1 – Monday to Friday, 8 hours/day

Stage 2 – Monday to Friday, 8+ hours/day

Stage 3 – Monday to Friday, 8+ hours/day with possible weekend availability

Facility Access & Reservation Details

- Guests will be required to reserve and pre-pay for a timeslot in order to participate in an activity at the Penticton Community Centre.
- Reservation and payment for available activity time slots (i.e. fitness room or lane swim) can be completed online at cityofpenticton.perfectmind.com or by calling 250-490-2426.
- City of Penticton residents will be able to reserve a timeslot a maximum of 48 hours in advance. Non-Residents can reserve a timeslot a maximum of 24 hours in advance.
- We kindly ask that guests cancel their booking as soon as they become aware that they will not be attending their reserved activity time slot. This will help ensure that any one on our waitlist may have an opportunity to attend.
- Each individual visiting the facility must have an activity time slot reserved. (For example, families and care givers must have a time slot booked for each person attending).
- Guests are asked to arrive on time for their activity time slot, but not too early. Staff will be managing the check-in at the front entrance. No late admittance will be permitted.

Pricing, Payment Options & Memberships

- Fitness Room
 - Single Reservation Admission Fee
- Pool Access
 - Single Reservation Admission Fee

- Memberships
 - All current memberships remain on hold and cannot be used for timeslot reservations. This includes 1, 3, 6 & 12 month memberships and 10 ticket pass cards.
 - Clients may request a membership refund backdated to the original date of closure until December 31, 2020. Membership refund requested after this date cannot be backdated.
- LIFE Pass Subsidy Program
 - LIFE Passes are currently suspended.
- All other fees for facility bookings and programs remain at regular price.

Enhanced Protocols

- Reduced facility capacities and group sizes for programs and classes
- Adhering to rigorous, scheduled sanitation practices. Using electrostatic disinfectant sprayers in combination with frequent touch-point cleaning throughout the day.
- Providing cleaning and sanitizing stations throughout the facility.
- Spacing fitness equipment and closing certain areas to allow for physical distancing.
- Closure of select aquatic amenities (i.e. lockers, private showers) and equipment availability
- Guests are asked to practice proper hand hygiene, avoid touching communal surfaces where possible, and stay home if they are sick or experiencing symptoms of COVID-19.

Participation Waiver/Agreement (Fitness Room)

I agree to the following code of conduct:

- Stay home when I am sick. I will not enter the Penticton Community Centre if I have had symptoms of COVID-19 in the last 10 days; have been directed by Public Health to self-isolate, have arrived from outside of Canada within the last 14 days or have been in contact with someone who has.
- Adhere to a pre-screening questionnaire every time I enter the building
- Arrive on time for your reservation. Staff will be managing the check-in at the main entrance. No late admittance will be permitted.
- Respect the physical distancing markers and maintain a safe physical distance at all times – at least 2 m / 6 ft
- Properly wash my hands often and use proper hygiene etiquette
- Follow all health, safety, and directional signage
- Adhere to capacity limits as posted
- Clean all workout equipment and other frequently touched objects before and after every use
- Arrive at the Penticton Community Centre wearing fitness attire. Change rooms are unavailable.
- Bring a pre-filled water bottle to workout. Bottle fill stations will be available, but water fountains will not
- Adhere to reservation time limits
- Patrons are reminded that physical distancing is each person's responsibility. If you are uncomfortable in any space, you may wear a mask, face shield or step away

- I understand that I will be asked to leave the facility if I am not adhering to and/or following the guidelines, policies, procedures and/or the core values outlined by Recreation Penticton

Participation Waiver/Agreement (Aquatic Centre)

I agree to the following code of conduct:

- Stay home when I am sick. I will not enter the Penticton Community Centre if I have had symptoms of COVID-19 in the last 10 days; have been directed by Public Health to self-isolate, have arrived from outside of Canada within the last 14 days or have been in contact with someone who has.
- Adhere to a pre-screening questionnaire every time I enter the building
- Arrive on time for your reservation. Staff will be managing the check-in at the main entrance. No late admittance will be permitted.
- Respect the physical distancing markers and maintain a safe physical distance at all times – at least 2 m / 6 ft
- Properly wash my hands often and use proper hygiene etiquette
- Follow all health, safety, and directional signage
- Adhere to capacity limits as posted
- Bring a pre-filled water bottle to workout. Bottle fill stations will be available, but water fountains will not
- Adhere to reservation time limits
- Patrons are reminded that physical distancing is each person's responsibility. If you are uncomfortable in any space, you may wear a mask, face shield or step away
- I understand that I will be asked to leave the facility if I am not adhering to and/or following the guidelines, policies, procedures and/or the core values outlined by Recreation Penticton

Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Jim Bauer, Chief Financial Officer
Subject: **2020-2022 Council Priorities**

File No:

Staff Recommendation

THAT Council approve the 2020-2022 Council Priorities.

Strategic priority objective

This supports the Mission that the City will serve residents, businesses and visitor through good governance, partnership and the provision of effective and community focused services.

Background

Setting overall strategic direction for an organization by its leaders is critical as it guides the direction, philosophies and priorities of the organization. This plan enables staff to understand and ensure alignment regarding its resources and activities, and is a basis upon which the City can publicly report its progress to the Community.

In 2019 City Council established three Council Priorities for the 2019-2021 period. Council initially planned to undertake a further strategic planning process in 2021 but as a result of COVID-19 the need to undertake a review and reset the City's strategic direction was necessary. A strategic reset process was undertaken over the past several months that involved many City managers and City Council.

Commencing in May input was sought from Department managers across the City. Several sessions of the City's senior leadership team occurred to review the current situation and provide advice and consideration for Council. In June Council held several sessions to discuss the challenges and opportunities, review information from the senior leadership team to refine Council priorities, given the changing environment.

The 2020-2022 Council Priorities incorporate results of those discussions.

Financial implication

There is no immediate financial implication to adopting these strategic priorities but it will guide fiscal decisions when setting future financial plans.

Analysis

The proposed Council Priorities document highlights the overall vision of the City being *a vibrant and innovative waterfront City focused on sustainability, community and economic opportunity*. This is an aspiration statement of what the City ultimately wants to achieve and remains unchanged from what was initially adopted.

The document also confirms the mission of the City to *serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services*. The City's purpose is largely guided by the requirements contained within the *Community Charter*. The City Missions remains unchanged from what was initially adopted.

City Council has re-established three strategic priorities that will guide the direction of the City through 2021: *Asset & Amenity Management, Community Safety, and Community Vitality*. It is recognized that the City has a multitude of services and other initiatives underway but greater focus will be placed in these three areas.

Strategic initiatives and actions contained under each priority provides examples of the major activities that are planned to achieve the desired goals for each Council Priority. Changes from the 2019-2021 Council priorities are further explained below.

Asset & Amenity Management

Council reaffirmed the goal of this priority that *"The City of Penticton will ensure the services provided to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets"*.

Overall the strategic initiatives and actions under this priority remain the same, with the only refinement being to recognize that agreement and fee structures need to consider the affordability for users.

Many of the actions within this initiative are encompassed in the asset and amenity management project that is currently underway and will help guide critical decisions and a path forward will address the fundamental issue that the City has more assets than funding available to maintain.

Community Safety

Council reaffirmed the goal of this priority that *"The City of Penticton will support a safe, secure and healthy community"*.

Overall the strategic initiatives and actions of this priority remain unchanged but includes a refinement to recognize the technology can assist in keeping of community safe and secure.

Community Vitality

Council refined this priority recognizing that design of the community remains valuable but an additional critical element is the economic wellbeing and vitality of the community. The refined goal for this priority is that the City of Penticton guided by the Official Community Plan will promote economic wellbeing and vitality of the community.

Strategic Initiatives have been added to reflect support for post COVID-19 economic recovery and the attraction and promotion of sustainable growth and development.

Alternate recommendations

THAT Council provide alternate direction to Staff.

Attachments

Attachment A – 2020-2022 Council Priorities

Respectfully submitted,

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

Jim Bauer
Chief Financial Officer

Acting Chief Administrative Officer JB
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COUNCIL PRIORITIES 2020-2022



VISION

A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

MISSION

Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

ASSET & AMENITY MANAGEMENT

The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Strategic Initiatives and Actions

- Identify service levels and costs for all community owned assets and services.
- Review our amenities and investigate ways to maximize their usage and value while exploring innovative service delivery options with regional and other partners.
- Review agreements and determine fee structures to reflect the fiscal realities and affordability for users of services.
- Promote continuous improvement on our Asset Management processes.
- Modernize the DCC Bylaw to reflect current growth and appropriate distribution of infrastructure costs.

COMMUNITY SAFETY

The City of Penticton will support a safe, secure and healthy community.

Strategic Initiatives and Actions

- Engage Criminal Justice system through collaborative approaches to reduce the impact of prolific offenders on the community.
- Continuing engagement with BC Housing and Interior Health to reduce or mitigate the effect of health issues in the community.
- Enhance safety through partnerships with other service delivery agencies.
- Improve resident and visitor confidence through engagement, protection, prevention and enforcement.
- Invest in appropriate human assets and technology to keep our community safe and secure.

COMMUNITY VITALITY

The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Strategic Initiatives and Actions

- Support the community in economic recovery from the impacts of the COVID-19 health crisis.
- Attract and promote sustainable growth and development.
- Expand and invest in safe multi-modal transportation options including the 'Lake to Lake' connection.
- Utilize best management practices and strategies related to climate change adaptation and mitigation activities.
- Encourage environmentally sustainable development including renewable energy initiatives.
- Continue Downtown revitalization focused on cleanliness, safety, vibrancy and sustainable infrastructure.



Bylaw No. 2020-27

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2020-27".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended as follows:

Rezone Lot 2 District Lot 116 Similkameen Division Yale District Plan 9227, located 2475 Skaha Lake Road from CT1 (Tourist Commercial) to C7 (Service Commercial).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	7	day of	July, 2020
A PUBLIC HEARING was held this	21	day of	July, 2020
READ A SECOND time this		day of	, 2020
READ A THIRD time this		day of	, 2020
ADOPTED this		day of	, 2020

Notice of intention to proceed with this bylaw was published on the 10 day of July, 2020 and the 14 day of July, 2020 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
2475 Skaha Lake Rd

From CT1 (Tourist Commercial)
To C7 (Service Commercial)



City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2020-27

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: July 21, 2020 **File No:** 1610 – Finance General - AAMP
To: Donny van Dyk, Chief Administrative Officer
From: Jim Bauer, Chief Financial Officer
Subject: **Asset and Amenity Management Project Update**

Staff Recommendation

THAT Council receive into the record the report titled “Asset and Amenity Project Update” dated July 21, 2020.

Strategic priority objective

This supports the Council priority of **Asset & Amenity Management**: The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

In 2019, Council identified that Asset and Amenity Management was one of Council’s three priorities, which has been reaffirmed through the 2020 Council strategic reset process.

To advance Council’s Asset and Amenity Management priority a project was initiated in 2019 that developed a project charter to define a clear approach and actionable roadmap to manage Amenities (Assets and Services) that are relevant and of value to the community in a fiscally responsible manner.

Necessary resourcing and budget was identified and incorporated into the 2020-2024 financial plan for this initiative.

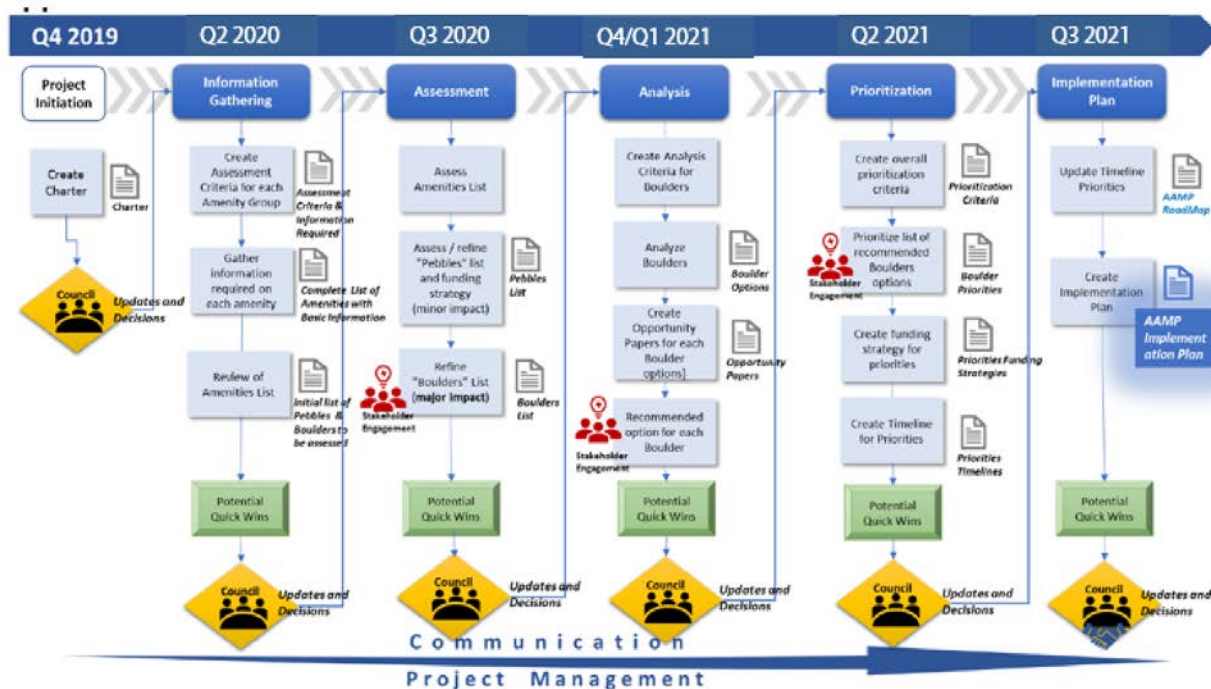
Resourcing the project shifted from retaining individuals to selecting a firm to ensure an integrated and seamless approach. Following a competitive process Colliers Project Leaders Inc. was selected to work with City staff to advance the project. Colliers Project Leaders Inc. was selected as they are Canada’s largest facility and infrastructure representative and bring in depth expertise in asset management, real estate and project management advisory services.

With the shift in resourcing the project and the pandemic, the project initially experienced some delays from the original timelines, but has now been well underway since May 2020. The project remains on track to be fully completed by the third quarter 2021.

The table below provides a refresher of what the project intends to achieved and why.

Driver	The City has more assets and amenities than funds available to sustainably manage going forward and therefore needs to make difficult strategic decisions to fund the most valuable assets and amenities to the community, within reasonable and acceptable annual tax increases.
Strategic Goal	<i>Amenities are relevant, reliable, of value to the community, and are being managed in a fiscally responsible manner</i>
Strategic Objectives	<ul style="list-style-type: none"> Innovative ways are being used to fund Amenities and deliver services Proactive investments are being made to natural and built assets bringing the greatest value to the community There is an effective balance of investment in Amenities based on community values City owned land is maximized to its fullest potential Social license and trust of the community to support decisions has been achieved through engagement, communication and transparency
Project Goal	<i>Deliver an Actionable and Implementable Roadmap to address in scope Amenities by June 2021 which are relevant and of value to the community in a fiscally responsible manner</i>
Project Objectives	<ol style="list-style-type: none"> 1. A Plan with: <ul style="list-style-type: none"> Funding strategies Clear, concise focused outcomes Actionable and implementable items 2. Potential quick wins which can be implemented throughout the development of the Plan 3. Prioritized Recommendations for high impact amenities "Boulders" such as new and innovative opportunities for use, funding and management of Amenities (e.g. enhancement, re-purpose, decommission, multi-purpose usage, partnering, regionalization)

As reflected in the table below the overall project is broken into five phases commencing with information gathering.



Colliers Project Leaders Inc. presentation provides an update of the work completed during the data gathering phase, initial observations and next steps.

Financial implication

There are no immediate financial implications to the project but as opportunities are determined, financial implications will be identified to Council at that time.

Attachments


Attachment A – Colliers Project Leaders – Task 1 Information Gathering Presentation

Respectfully submitted,



Jim Bauer
Chief Financial Officer

Concurrence

Director Recreation & Facilities <i>BK</i>	General Manager Infrastructure 	Acting Chief Administrative Officer JB
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Colliers
Project Leaders



ASSET AND AMENITY MANAGEMENT SERVICES

Task 1 – Information Gathering & Data Quality Review
Presentation to Council

Date: 21 July 2020



ASSET AND AMENITY MANAGEMENT SERVICES

Task 1 – Information Gathering & Data Quality Review

- 119 -

AGENDA

1. Introduction
2. Work to Date – Task 1
3. Initial Observations
4. Work Planned – Tasks 2 and 3
5. Next Council Presentation

ASSET AND AMENITY MANAGEMENT SERVICES

Introduction



Colliers
Project Leaders



Purpose and Objectives of the Project

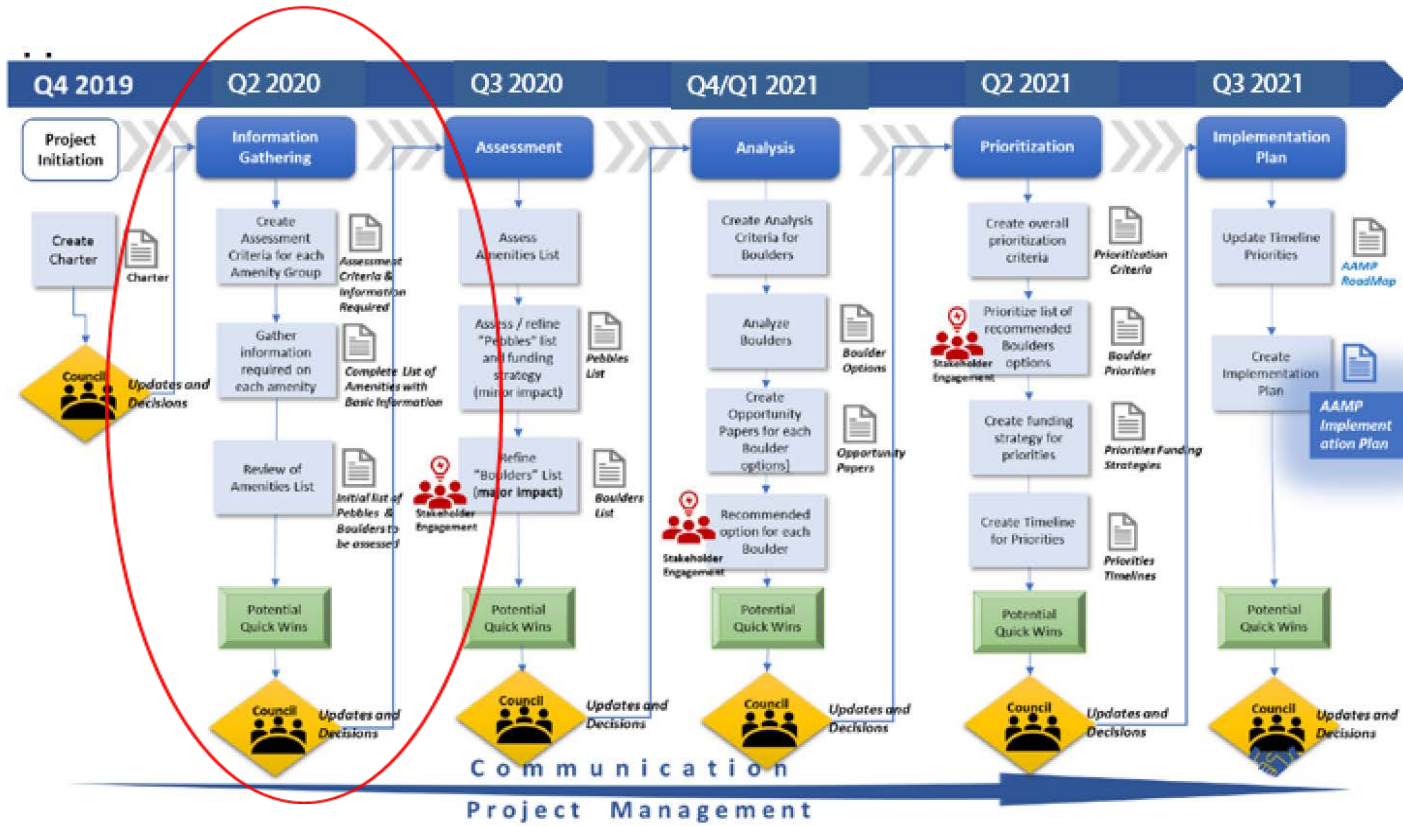
The Problem:

- The Asset and infrastructure inventory is aging at an unsustainable rate
- Financing the upgrade and upkeep costs through increased taxation is unsustainable

The Solution:

- Determine the type and level of Service the City should provide with each Amenity
- In which City Assets to proactively invest in, in a financially sustainable manner
- Highest optimized value of Services and related Assets for the community

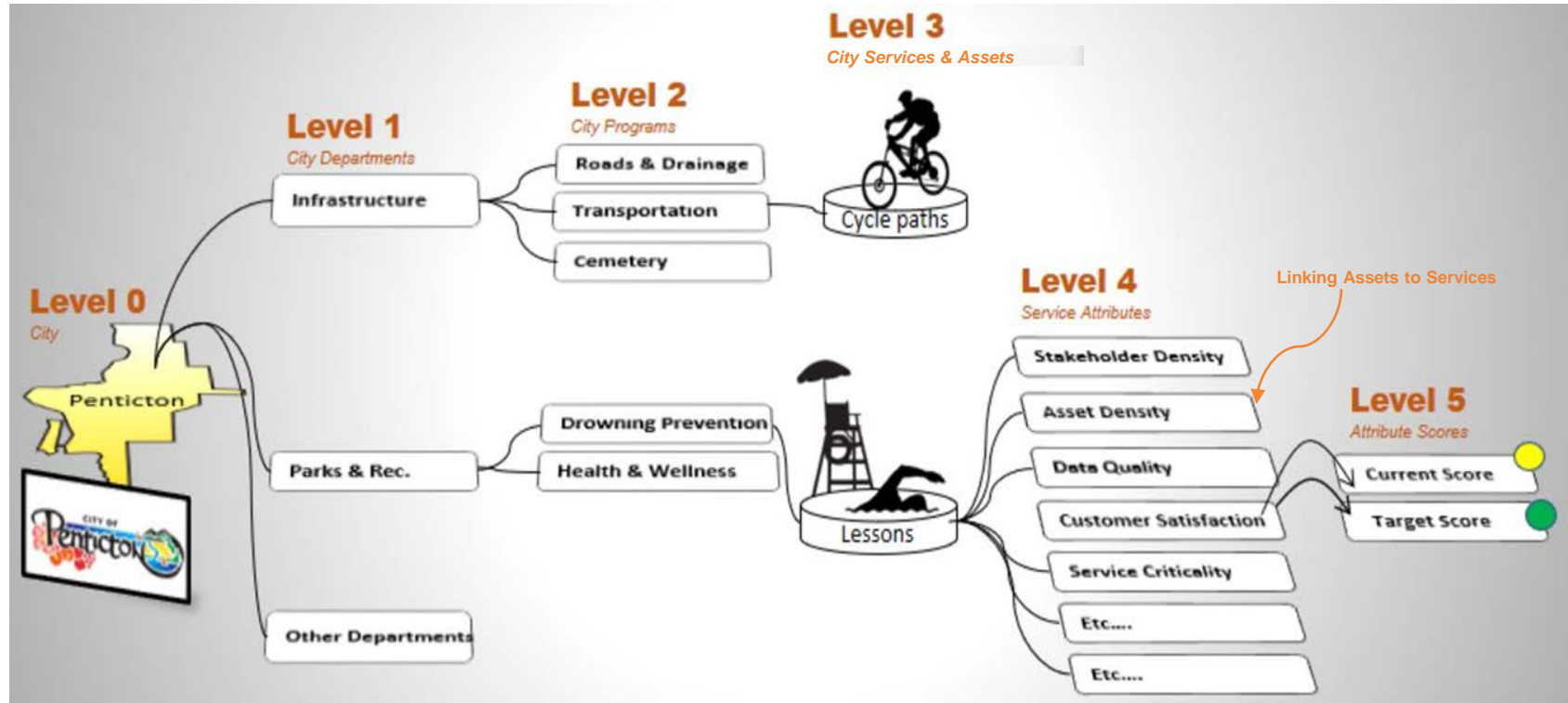
AAMP Scope



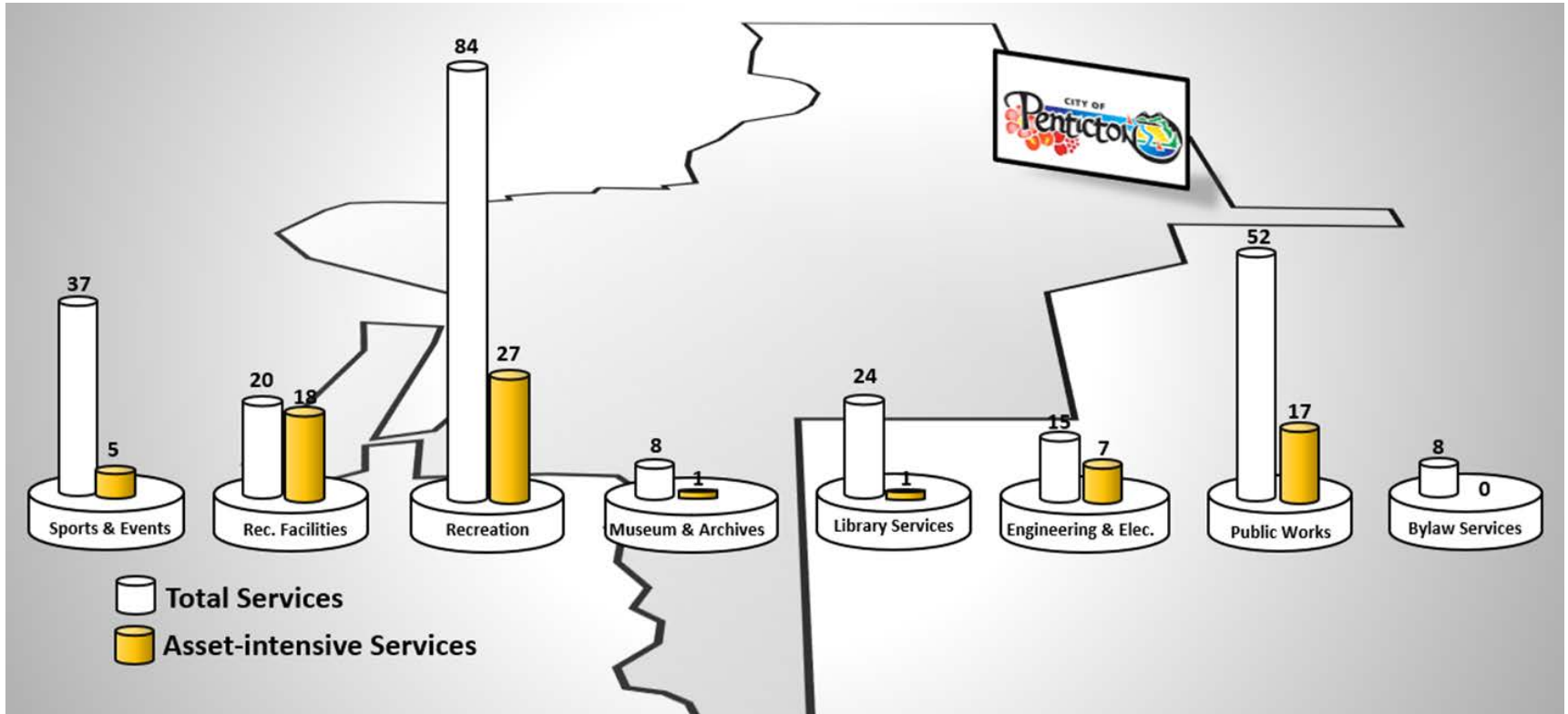
ASSET AND AMENITY MANAGEMENT SERVICES

Work to Date – Task 1

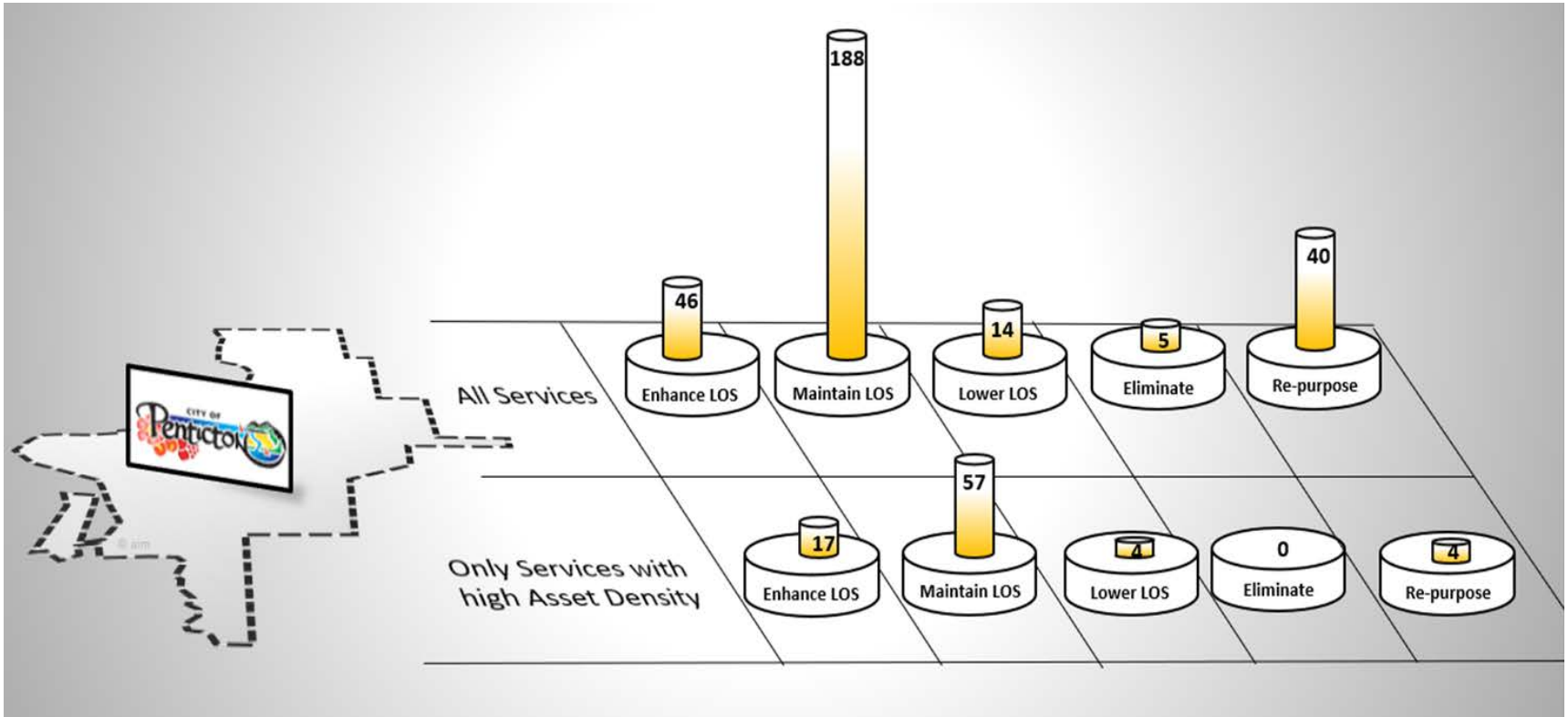
Assets and Related Services



Asset Intensive Services



Decision Scenarios – Asset Intensive Services



ASSET AND AMENITY MANAGEMENT SERVICES

Initial Observations

Initial Observations – Recreation

- 128 -

- **Aquatics & Recreation** - Review under-utilized activities to free up space for high-value services / programs
- **Special Events** - Recommend active marketing to draw events
- **Library** – Mandated and high-value service which has physical location and size challenges; recommendations to follow Real Estate Rationalization Study

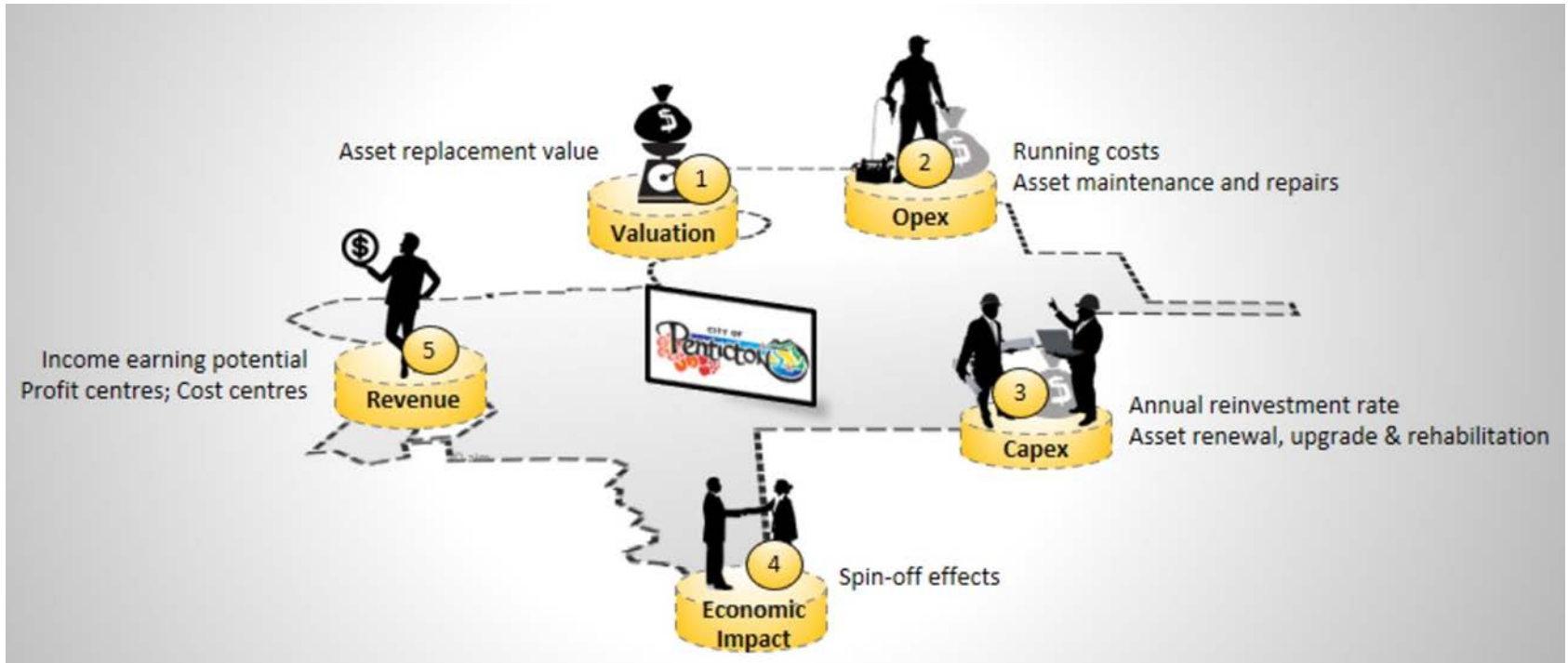
Initial Observations – Infrastructure

- **Downtown Parking (Off-Street)** – Parking and traffic planning under review in TMP
 - Reducing Off-Street parking and maximizing land parcel values
- **Cycle & Pedestrian focus** – Greater requirement for cycle paths / lanes and ped. access
 - This sector potentially leads to increased costs / services, not a reduction
- **Sidewalks** – More and better required if more cycles and peds required (increased costs)
- **Public Transit** - Alternatives to current fixed-route system required (Park & Ride; Less options)
- **EV Stations** – Review potential options for the City

ASSET AND AMENITY MANAGEMENT SERVICES

Work Planned – Task 2 and 3

Key Data and Quality Gaps to be Filled



Main Tasks

- Compile a list of high impact Assets and Amenities warranting further analysis and options to be developed
 - Rank Assets and Amenities in terms of Service Criticality; Customer Service; Financial attributes; Real Estate input etc.
- Compile a list of low impact Assets and Amenities not warranting further analysis
- Complete an initial funding strategy for the potential options
 - Draft Decision and Selection Criteria for Decision Matrix
 - Rank CAPEX / OPEX implications for Enhancement / Maintenance / Re-Purpose / Disposal of Assets
 - Preliminary Decision Matrix Output - Selection of highest-impact / lowest-cost for Enhancement / Maintenance / Re-Purpose / Disposal of Assets
 - Funding strategy - taxation / user fees / grants / financing possibilities
- Integrate economic impact into analysis
- Confirm potential quick wins for quick/easy implementation

ASSET AND AMENITY MANAGEMENT SERVICES

Next Council Presentation

Outcomes and Recommendations to be Presented

Fall 2020

- Quick Win Real Estate Optimization Opportunities
- Recommendations from Draft Decision Matrix
- Confirm and define the “Early Action” Asset and Service projects
- Present the Draft Funding and Implementation Strategy
- Develop stakeholder engagement requirements and process for the subsequent phase
- Present a Draft Community Engagement Plan

ASSET AND AMENITY MANAGEMENT SERVICES

Questions

Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Angela Campbell, Controller
Subject: **2020 Auditor Appointment**

File No:

Staff Recommendation

THAT Council appoints BDO Canada LLP as the City's Auditor for a three (3) year term with the option to extend the Service Agreement for up to two (2) additional years in one-year increments.

Background

As required by Section 169 of the *Community Charter*, a Council must appoint an auditor for the municipality.

The City seeks proposals for its auditing services generally once in every five years. The last proposal was in 2015 and was awarded to BDO Canada LLP.

Ten firms were invited to submit proposals. The City received and reviewed proposals from three accounting firms, BDO Canada LLP, Grant Thornton and KPMG.

Financial Implication

There is a provision for audit services included every year in the Financial Plan.

Analysis

The three proposals that were received were evaluated on fifteen criteria falling under the categories of methodology and strategy, experience, audit team and price.

An evaluation committee reviewed the proposals and using the criteria concluded BDO Canada LLP should be selected as it provides the greater value to the City.

Alternate Recommendation

That BDO Canada LLP not be appointed as the City Auditor and that Council provide staff direction on appointment of an auditor for the years ended 2020 to 2024.

Attachments

Attachment A – Evaluation Criteria

Respectfully submitted,



Angela Campbell
Controller

Chief Financial Officer <i>JWB</i>	Acting Chief Administrative Officer JB
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Methodology and Strategy
General audit strategies and methodology employed, including, but not limited to: <ul style="list-style-type: none"> - business risk -internal control - computer use
The depth of the perceived audit needs and understanding of the key issues facing the City, the implications of those issues for the conduct of the audit, and particular audit strategies and methodology for the City including, but not limited to: <ul style="list-style-type: none"> - preliminary audit plan - substantive audit procedures to be undertaken - compliance audit procedures to be undertaken - report and deliverables
Quality control/peer review programs within the firm;
The firm’s availability of resources to ensure deadlines are met in a timely manner;
Policies on notification to clients of changes in key personnel, and staff continuity on each audit; and
Experience
The location and overall size of the firm, the experience and current capabilities of its partners, managers and staff in the audit of organizations similar to the City, as well as that of additional staff required by the firm to carry out the audit;
Information on contributions made by the firm in improving the financial administration of other public sector entities;
The firm’s experience in performing both legislative authority and value-for-money audits in a public sector setting;
The firm’s experience related to computerized audits as well as the availability of other specialized services that may be necessary in the audit;
Other value added services provided
Team
How the firm invests in the development of staff and methods for undertaking public sector audits;
The proposed audit team’s degree of familiarity with the extensive body of authoritative literature that is unique to the public sector;
The proposed audit team’s experience in the audit of similar organizations and in other government corporations and other public bodies, and details of skills or experience which are directly relevant to the capacity of the team to conduct the audit of City;
PRICE
A time budget, including estimated total hours for partners and other staff, (use schedule #1).
The resulting all-inclusive maximum cost for which the requested work will be performed for each year of the term of the appointment. These amounts should be contained in a letter of transmittal to accompany the proposal submission and should clearly establish the basis for remuneration through: <ul style="list-style-type: none"> - hours of work and rates for appropriate categories of audit staff; and - out of pocket costs.

Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Jim Bauer, Chief Financial Officer
Subject: **Second Quarter Corporate Business Plan Update**

File No:

Staff Recommendation

THAT Council receive into record the report dated July 21, 2020 titled "Second Quarter Corporate Business Plan Update".

Strategic priority objective

Mission:

Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

Each year the City publishes a Corporate Business Plan and reports quarterly on how the City is moving forward on Council's Priorities.

In 2020, the first quarter update was presented to Council at the April 23rd meeting in the midst of the COVID-19 pandemic. This report saw many of the 47 Initiatives either paused, delayed or discontinued in an attempt to mitigate the impacts of the pandemic and focus the City's resources on essential services.

The advancement of 2020 projects is ongoing and continues to be guided by principles and through a balanced perspective with consideration for City staff, financial sustainability of the City, and the best interests of the community, which includes residents, businesses and the developers.

Financial implication

Some initiatives have resumed which has created a change in financial implications from what was reported on April 23rd. Overall financial impacts have been compiled and include changes made for both business as usual and Council initiatives, however it is difficult to separate the impacts respectively. For more detail on these financial impacts please refer to the Second Quarter Financial Update dated July 21, 2020.

Analysis

The City's 2020 Corporate Business Plan contains 47 initiatives that advance Council's three Priorities and support the City Mission.

Nine initiatives that were either paused or delayed have resumed within each of the Council Priorities and City Mission. These include the delivery of select recreation services, virtual and in-person community engagement sessions, continuation of the Asset & Amenity Management plan, OCP implementation and Climate Action plan.

Five initiatives have been discontinued since the April 23rd report. Most of these reside within the Museum area and internal Recreation operations. The largest highly visible initiative is the cancellation of Ironman 2020 with a new date being set into 2021.

Of the 47 initiatives that began in 2020, there are 10 that are continuing through the year, 9 have resumed, 5 are still paused, 12 are delayed, 6 have been discontinued and 5 have been completed.


July 2020 Snapshot

Priority	Completed	Continue	Resumed	Paused	Delayed	Discontinued	Total
Asset & Amenity Management	1	1	1	1	4	1	9
Community Safety	2	4	1	1			8
Community Design	1		5	1	2		9
City Mission	1	5	2	2	6	5	21
<i>Totals</i>	5	10	9	5	12	6	47

Attachments


Attachment A – July 2020 Corporate Business Plan Update

Respectfully submitted,



Jim Bauer
Chief Financial Officer

Concurrence

GM Infrastructure 	Director Recreation & Facilities <i>BK</i>	Director Development Services BL	Director People & Community Safety <i>KL</i>	Acting Chief Administrative Officer JB
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Attachment A - July 2020 Corporate Business Plan Update

DESCRIPTION	JULY UPDATE
ASSET & AMENITY MANAGEMENT	
Advance the Asset & Amenity Management Council Priority Development Infrastructure Financing and Cost Recovery (parks component)	RESUMED - Data Gathering phase nearing completion and Update scheduled for Council July 21. Real Estate Optimization Review currently underway with planning update to Council by September.
Asset Management Software Implementation (infrastructure and mobile assets)	PAUSE- Look to reactivate in coming months
Penticton Bus Stop Inspection and Prioritized Action List	DELAYED - due to not hiring a replacement for the Design Supervisor and issues related to determining how to best address the Electric Utility.
2020 Voltage Conversion (last phase in multi-year project)	DISCONTINUED - in order to save costs a summer student position has been discontinued to help with data entry for GIS
Asset Management Renewal - Advanced Waste Water Treatment Plant	COMPLETED
Wilson Street and Marina Way Lift Station Generator Installation	DELAYED - Due to staff and consultant availability. Scheduling to complete by the end of 2020.
Sanitary Sewer Residuals - Opportunities and Design Development	DELAYED AND DISCONTINUED - The Marina Way Lift Station will be delayed due to staff and consultant availability. The Wilson Street Liftstation is being discontinued for 2020 and will be looked at again in 2021.
Dam Safety Compliance - Ellis 4 Dam	CONTINUE - RDOS has applied for a grant. Applied to the ALC for an exclusion. Will be commencing public engagement on the ALC exclusion. Working with the receiver to purchase the land. Working with FortisBC to see if they will build a digester.
	DELAYED due to slower response times from the consultants, inability to complete onsite inspections due to COVID19 and additional work required to move in the direction we are going to reduce construction costs.
COMMUNITY SAFETY	
Pawn Shops Bylaw Education and Enforcement Project	PAUSE - no savings. Focus on COVID support for now, may revisit as shops open.
Reduce Response Times and Increase Crime Solve Rates	CONTINUE - As Planned
Ensure the Penticton Detachment is Meeting Modern Policing Requirements	CONTINUE - As Planned
Utilize Data to More Effectively Deploy Police Resources	CONTINUE - As Planned
Continue to Increase the Public Profile of the Penticton RCMP	CONTINUE - As Planned
FireSmart - Fuel Management	RESUMED - \$25,000 grant funding: Fuel treatment completed in Esplanade. Further Wildfire management proscriptions/plan are underway for Fall mitigation.
Wildfire Urban Interface Training Symposium	COMPLETED - The Office of the Fire Commissioner (OFC) and BC Wildfire Service contracted Larry to deliver the required training around BC from May 27-June 17. The OFC also extended the grant approved for \$25,000 supporting the 2021 WUI Symposium in Penticton for next Year.
Hire a Social Development Specialist	COMPLETED - Seeking funding from province. Hired Adam Goodwin who commenced role on April 6.
COMMUNITY DESIGN	
Skaha Park East Plan	RESUMED - technical work has been completed. Compile information and communicate options with PRAC, community and council.
Labour Retention and Expansion - In-Person and Virtual Job Fair	COMPLETED
Official Community Plan (OCP) Implementation	RESUMED - with zoning bylaw changes coming to Council in August/ September
Climate Action Plan Updates	RESUMED - with the recall of the Community Sustainability Coordinator. Seeking firm to complete climate plan updates will proceed in August.
Refresh the RDOS Transit Future Action Plan for Penticton	PAUSED - BC Transit and the RDOS have paused this project. A working group meeting is planned for the end of July and project may possibly restart mid September.
Deploy Power Generation Programs	RESUMED - Direction from Council received and a Diesel Peak Shaving Project at the Okanagan Lake Pump Station which is scheduled for completion by November 30, 2020.
Advance the Lake-to-Lake Cycling Route	RESUMED - Community Engagement underway and project scheduled for completion October 31, 2020.
Move Downtown Revitalization Forward	DELAYED - Detail design will be completed but the Special Area Bylaw will not be advanced to provide financial flexibility.
Source Water Protection Plan	DELAYED - Project delayed until 2021 to provided financial flexibility. Interior Health has been advised.
CITY MISSION	
Prepare for the Implementation of an Electronic Document Records Management System (EDRMS)	RESUMED - The preparation work is being led by the Records Management Specialist and will resume August 2020.
Major Event Aesthetics	DELAYED - resume in 2021 - This initiative was set to kick-off in early May. Planning and design for sought materials is complete, along with by-in from stakeholders. However, the ordering of the desired materials is likely not currently possible due to production closures.
Modernize Business Licence Program	CONTINUE
Increasing Financial Analytical Expertise	COMPLETED- Courtney Jones commenced with City April 6.

Financial Policies Development	CONTINUE- Grant Policy Scheduled to be brought to Council in August and Signing Authority, Interest and Investment into fall. Permissive Tax Exemption policy reviewed and approved by Council May 19.
GIS Mobility Application (maintenance and inspection for City infrastructure)	CONTINUE - The first of four projects is set to complete end of August. The second project is still delayed due to not hiring a summer student. The third and fourth projects will follow after the first is completed - completions may be delayed.
Bar Coding System	CONTINUE - Contractor to have a database for testing early week of July 13th.
Source and Implement a Stand-alone Safety Management Platform with Performance Management / Employee Development Capacity	CONTINUE – completed in part – platform being used to complete daily pandemic screening and risk assessments. BIS System is implemented.
Implement Finds from GAP Analysis Completed in 2019 in Order to Achieve Certificate of Recognition in 2021	PAUSE - Safety reps focus on supporting COVID-19 matters and reopenings. However, GAP analysis work was already underway towards achieving COR.
Additional Support for General HR Duties and Records for Employee Files (Hard Copy and Electronic File System)	DELAYED – Student started April 14th and laid off as of May 29th. May revisit to finish RMS project that was started and HR requires the additional support.
Downtown Parking and Resident Only Parking Review	DELAYED and likely discontinue under the current circumstances as only a limited start. May combine into other parking changes.
Union Contract Negotiations with the International Association of Firefighters, Local 1399	PAUSE until fall 2020 given COVID19.
Engine 202 Replacement and New Multi-Functional Apparatus	DELAYED due to COVID must be completed for FUS 2021.
Aquatics Service Evaluation and Delivery Method(s)	DISCONTINUED due to COVID
Implement IRONMAN Canada 2020	DISCONTINUED Agreement moved to 2021-2025.
Create Event Strategy and Enhance Event Destination Portfolio	DELAYED due to COVID. Re-Re-evaluate after recovery.
Establish and Implement a Sustainable Delivery Method to Provide Civic Events	RESUMED - Canada virtual celebration funded by Heritage Canada. Santa Parade currently still planned. Re-evaluate civic events for 2021
Develop a Cleland Theatre Operational Plan	DELAYED due to COVID. Staff are busy with recovery and re-opening plans.
Indigenous Collaboration to Increase Understanding and Cooperation in Museum Programming and Exhibits	DISCONTINUED due to COVID
Re-Design and Curate Portions of the Existing Permanent Exhibits	DISCONTINUED due to COVID
Improve Existing Activities and Offer New Activities for the Hands-on-Heritage Lab	DISCONTINUED due to COVID

Council Report

pentiction.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Wesley Renaud, Budget Analyst

File No: 1700-05

Subject: July 2020 Financial Update

Staff Recommendation

THAT Council receive into the record the report titled "July 2020 Financial Update" dated July 21, 2020;

AND THAT Council approve a budget increase of \$65,200 for the purchase of auto extrication equipment for the Fire department, to be funded from the capital reserve.

Strategic priority objective

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

Staff presented Council with a forecast report on June 2 which was the result of a robust review of all areas as a result of the COVID-19 pandemic. This report provides subsequent updates for activities and assumptions that have evolved since then. Staff will be continuing to compile further forecasts and will return to Council with updates throughout the remainder of the year.

Staff have been closely monitoring the City's cash flows in recent weeks, and to date, payments for utilities and taxes are in line with previous years.

Currently, Staff are not projecting a deficit for the 2020 year as revenue impacts have been offset with a combination of expense reductions and pausing of transfers to reserves as detailed in the following sections.

Financial implication

The following table summarizes the results of the general fund operating forecast (please see Attachment A for a divisional view):

Division	2020 Budget	YTD Actuals	End of Year Forecast	Forecast Variance
Total General Fund Revenues	(80,983,940)	(62,793,666)	(71,926,797)	9,057,143
Total General Fund Expenses	80,983,940	19,920,232	71,926,797	(9,057,143)
TOTAL NET GENERAL FUND	0	(42,873,434)	0	(0)

Overall, revenues and expenses are expected to come in \$9.1M less than budgeted. However, the following flow through items should be excluded from these numbers in order to better understand the impact to the City:

- Reduction of school tax revenue & expense of \$4.6M based on Provincial relief program
- 75% reduction of MRDT/Hotel Tax revenue and remittance expense = \$0.6M

With the above exclusions, revenues and expenses are expected to come in **\$3.9M** less than budgeted.

Analysis

The \$3.9M revenue impact due to COVID-19 is summarized as follows:

Revenue Item	Reduction Amount (in \$M)	Note
Gaming Revenue	1.5	1
Recreation Revenue	1.2	2
Parking Revenue	0.4	3
Transit Revenue	0.2	4
Building & Licensing Revenues	0.1	5
Planning Revenue	0.1	
Miscellaneous Other	0.4	6
Total	3.9	

1. Gaming revenue is forecasted to be \$500K, a 75% decrease from the \$2M budget. This assumes the Casino has a soft reopening in the Fall of 2020 and is net of the transfer to PIB for their 10% portion. There has been \$340K in Casino revenue collected to date.
2. With the Community Center closed since mid-March, many programs were not able to be offered, lowering revenues. Plans are now in place to offer some programs on a modified basis for the remainder of the year. However, COVID-19 restrictions and new operating guidelines will result in lower revenues (54% lower than budgeted).
3. In addition to free street parking for the remainder of 2020, staff are also forecasting a decline in pay station revenue, fine revenue, and miscellaneous other parking related revenues. Overall, parking revenues are projected to be 64% lower than budgeted.
4. Transit revenue has been reduced by \$249K (35%) due to free ticket offerings in April and the expectation of reduced ridership. There have been \$30K in municipal expense reductions to help offset this, including \$20K for transit stop maintenance and \$10K for City engagement expenses.

5. Business License revenue is forecasted to be \$65K (11%) lower than budgeted, while building permits have remained strong but is still projected to be \$30K (3%) less than budgeted, due to the waiving of residential small project permit fees until October.
6. Miscellaneous Other Revenue reductions include:
 - Reduced property taxation revenue as a result of supplemental assessments issued by the BC Assessment Authority (\$142K)
 - Anticipated lower property tax penalty revenues as a result of the delayed due date and payment activity in line with previous years likely re (\$65K)
 - Other reductions such as SOEC recoveries, library revenues, etc.

Reductions in revenue are mitigated by expense reductions in a variety of areas as detailed below:

Expense Item	Reduction Amount (in \$M)	Note
Payroll reductions across multiple departments	1.5	1
Transfer to gaming reserve	1.2	2
Grant/partnership expenses	0.5	3
Misc. consumables & facility utilities	0.4	
Conferences & training	0.2	
Road maintenance & street lighting	0.2	
Asset & Amenity Project budget	0.1	4
Various Other	0.4	
Increased SOEC Costs	(0.6)	5
Total	3.9	

Notes:

1. Layoffs have affected 88 employees to varying degrees and have occurred in all divisions of the City
 - 23 employees have since been recalled in various capacities
2. Reduced transfer to gaming reserve from \$1.8m to \$450K based on gaming revenue forecast of \$500K and the requirement to provide 10% of revenues to the PIB.
3. Reduced IRONMAN contribution by \$370K for 2020, as well as many other grants, mainly event related.
4. Savings are expected in 2020 given a 3-month delay on resourcing the project
5. SOEC deficit increase of \$600K (total deficit projected at \$2M from a budgeted deficit of \$1.4M) due to revenue decreases as a result of the PTCC and SOEC closures in 2020. This is a \$400K improvement from the last forecast as Provincial guidance has helped inform event scheduling to the end of the year. Analysis is ongoing between City Staff and the operator to identify further cost savings.

Service Impacts

Although the City has taken effective steps to mitigate revenue reductions with cost savings, many of these staffing adjustments have had a direct impact on services that are visible to the community. These temporary service adjustments in 2020 include reduced parks, roads, and beach maintenance, and reduced recreation programs and services.

Since the June 2 meeting, the following adjustments have been made including:

- City Hall is now open from 9am to 12pm
- Reinstated sports field maintenance in preparation for organized group (i.e. Penticton Pinnacles Soccer, South Okanagan Minor Baseball and park rental by the public, etc.) use and the continual maintenance that is required
- Splash pads are now open
- Natural Green Belt maintenance has resumed in order to keep them in reasonable safe condition
- Ice bookings are now available at several rinks
- Staff are currently preparing plans to reopen the Community Center in a limited capacity per the Council report on July 7

For a more comprehensive list of temporary service adjustments, see Attachment B.

Capital

2020 Capital Budget Amendment Request

Per the resolution at the beginning of this report, the Fire department is seeking a 2020 capital budget increase of \$65,200 in order to address Station 202's auto extrication (Jaws of Life) capacity which is currently reduced by over 50% of the normal operating level after experiencing equipment failure.

The department was anticipating upgrading the auto extrication equipment with the new rescue engine in 2021, but with the deferment of the engine due to COVID-19, the auto extrication equipment replacement has become a high priority to maintain our current service levels.

The plan consists of consolidating existing equipment at Station 201 to address gaps and increase reliability, while purchasing a new set of electric extrication tools to bring Station 202 up to normal operating levels. The tools purchased now for Station 202 will be transferred to the new rescue engine in the future, reducing the cost of the engine at that time.

2020 Capital Budget Outlook

At this time all 2020 capital projects that were not deferred are on track to meet budget. At the last financial forecast presented to Council on May 5, Staff reflected a reduction of 2020 capital spending of \$8.1M. The projects were deferred partly because of the uncertainty surrounding City residents being able to pay their utility and property tax expenses due to the impact of COVID-19.

Staff will be recommending that many of the projects deferred in 2020 be included in the 2021 capital envelope, in order to ensure that the City doesn't fall behind on items such as water main repair, road paving, etc. Staff considered bringing some of these projects back in 2020, however, due to current capacity issues with City staff, the lateness of the season likely precluding many vendors from submitting competitive bids, and the ongoing uncertainty surrounding COVID-19, it was determined to leave them deferred until 2021.

As a result of the additional capital spend that is anticipated in 2021, Staff may come to Council in advance of the 2021 budget deliberations in the fall to seek approval of specific capital projects in order to get an early start on executing the 2021 capital program.

Utilities

Overall, the utilities as a whole have been impacted less than the general fund as they are essential services. As noted in the previous section, Staff have not seen a major increase in utility payment delinquencies as a result of COVID-19 as per the Utility Disconnection report from June 16.

Per the May 5 Council report on utility payment deferments, the expected revenue loss from forgone discount revenue is expected to be \$400K. This is reflected in the below tables under each section in Attachment C, where other information pertaining to utilities can also be found.

Staff are not expecting to see any other material revenue losses within the utilities as currently, reduced revenues from businesses (mostly smaller businesses as major businesses are still operating) are being offset by higher revenues from residences.

2021 Outlook

In order to plan appropriately for the next few years, the City has launched a strategic planning reset process that will involve a review of Council priorities in light of COVID-19, and explore options to balance the 2021 budget, such as revenue generating options, expense reductions, and the use of reserves. This work will involve bringing back a refined Council priorities document, to guide development of 2021-2025 financial plan.

Attachments

Attachment A – Forecast by General Operating Fund Division


Attachment B – Service Level Adjustments

Attachment C – Utilities Forecast

Respectfully submitted,

Wesley Renaud
Budget Analyst

Concurrence

Chief Financial Officer <i>JWB</i>	General Manager, Infrastructure 	Director, Recreation & Facilities <i>BK</i>	Director, Development Services <i>BL</i>	Director, People & Community Safety <i>KL</i>	Acting Chief Administrative Officer JB
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Attachment A – Forecast by General Operating Fund Division

Division	2020 Budget	YTD Actuals	End of Year Forecast	Forecast Variance
GENERAL FUND				
General Government Services				
Revenues	(66,623,979)	(54,912,788)	(59,626,365)	6,997,614
Expenses	38,411,412	6,423,085	31,743,016	(6,668,395)
Net General Government Services	(28,212,567)	(48,489,703)	(27,883,349)	329,219
Protective Services				
Revenues	(3,580,385)	(2,003,347)	(3,035,763)	544,622
Expenses	19,219,812	4,649,051	18,930,125	(289,687)
Net Protective Services	15,639,427	2,645,704	15,894,362	254,935
Transportation Services				
Revenues	(3,460,100)	(1,394,635)	(3,215,037)	245,063
Expenses	7,428,443	3,414,176	6,836,798	(591,645)
Net Transportation Services	3,968,343	2,019,541	3,621,761	(346,582)
Environmental Development Services				
Revenues	(1,564,227)	(1,092,449)	(1,604,790)	(40,563)
Expenses	2,959,839	1,104,643	2,698,644	(261,195)
Net Environmental Development Services	1,395,612	12,194	1,093,854	(301,758)
Recreation & Culture				
Revenues	(2,807,057)	(940,835)	(1,479,104)	1,327,953
Expenses	10,702,124	3,528,731	9,467,229	(1,234,895)
Net Recreation & Culture	7,895,067	2,587,896	7,988,125	93,058
Public Health & Safety				
Revenues	(337,000)	(156,564)	(337,000)	0
Expenses	316,280	127,048	316,580	300
Net Public Health & Safety	(20,720)	(29,516)	(20,420)	300
Environmental Health Services				
Revenues	(2,611,192)	(2,293,048)	(2,628,738)	(17,546)
Expenses	1,946,029	673,498	1,934,404	(11,625)
Net Environmental Health Services	(665,163)	(1,619,550)	(694,334)	(29,171)
Total General Fund Revenues	(80,983,940)	(62,793,666)	(71,926,797)	9,057,143
Total General Fund Expenses	80,983,940	19,920,232	71,926,797	(9,057,143)
TOTAL NET GENERAL FUND	0	(42,873,434)	0	(0)

Attachment B - Service Level Adjustments

Temporary service level adjustments have been made across all City Departments. Listed below are community facing services that are visible to the community, which have been impacted.

Recreation & Facilities

- The City has moved onto Phase 3 of the Restart plan which includes all outdoor parks, courts, fields and amenities open for casual use and limited bookings.
- The recreation department is working closely with sports groups on the facility safety assessments and return to play plans.
- Arenas were opened in June for organized group bookings. There is high demand for ice user groups and summer bookings are exceeding previous year's revenues.
- Summer Day camps, Pre-school camps and Youth Park Ambassadors/Skate camps are operational for July and August.
- The community centre, Cleland theatre and Library/Museum are still closed to the public, with a soft opening anticipated in August.
- All public washrooms at our beaches and parks are now open.
- Facilities staffing maintenance levels are reflective of what we have open. Some staff have been recalled to reflect the increase of service in our arena and public washrooms.

Development Services

- Development meetings are still occurring via email and telephone, with some in person meetings.
- BP applications remain steady with no permit fee for residential small projects up to \$100,000 in construction value.
- Business license renewals are still proceeding and remain strong, late penalties and defaults are not being enforced until October 2020.
- Storefront Use Bylaw updated and permits fees have been waived for 2020.
- Business license and building permit online service adjustments along with updated policy and bylaw amendments proposed for fall of 2020.
- Planning policy work, including Climate Action work and OCP implementation have now resumed.
- Staff were quick to utilize online video meetings to meet the needs of clients.

Finance

- City Hall is now open for in-person customer service from 9am to Noon, Monday to Friday. Tax and utility account services also continue to be available online, via email and telephone. A variety of alternative payment options for various fees and services exist, including online, setting up pre-authorized payments, and by utilizing the drop box in front of City Hall.
- Cemetery sales continue on an appointment basis.

Human Resources and Community Safety

- Bylaw staff hours have been extended to include Sundays and Bylaw will continue to focus efforts on educating the public regarding public health orders
- High visibility patrols in 'hot spot' locations- bike patrols, ATV patrols, vehicle patrols, foot patrols
- This patrol location list changes frequently to ensure high visibility in certain areas of the city
- Public support and education with bylaw, social nuisance issues, quasi-criminal incidents (private residents, businesses, associations, etc.) focus on issues including: panhandling, drinking in public, public disturbances, etc.
- Assist businesses with arranging for CPTED assessments through Community Policing staff
- Tracking and managing transient/homeless camping locations and rough sleepers
- Continuing to ensure a clean city by regular patrols on the parks, beaches, trails and laneways where abandoned property and sharps are regularly found

Communications and Engagement

- Reduced face to face public engagement, but a shift to using technology options to continue to garnering community input

Infrastructure

The Infrastructure Division contributed budget savings by scaling back services across the Division. The most significant changes are:

- **Storm Sewer** – A 61% reduction in maintenance across 6 sub programs.
- **Public Works Technical Support** – A reduction in technical support caused by the layoff of the Public Works Technician.
- **Parks** – The Parks Department normally operates with a summer staff complement of 33; this was reduced to 19 and then increased back to 24 when it was recognized that service levels needed to be increased.
 - Originally, a 22% reduction in playground maintenance in A Standard Parks. Playgrounds have since been opened and maintained, but at lower than normal levels.
 - Originally, a 35% reduction in maintenance in B Standard Beaches. Fire pits are now open and maintenance has been reinstated, but at lower than normal levels.
 - Originally, a 30% reduction in maintenance in B Standard Parks. Sports courts and skate parks are now open and maintenance has been reinstated.
 - Originally, a 60% reduction in maintenance in C Standard Parks and pausing of maintenance in natural parks.
 - Originally, a 100% pausing of school park field maintenance, now reinstated.
 - Originally, a 27% reduction in sports field maintenance, which has been reinstated.
 - A 47% reduction in trail maintenance.
- **Roads** – Originally, 6 of 16 staff were laid off, including the Sustainability Coordinator, and 2 staff on voluntary layoff. Staff are in the process of being reinstated and to date we have brought back: Sustainability Coordinator, two Cement Finishers, Clean Team member and the Assistant Flush Truck Operator. The specifics of the changes are:
 - An 85% reduction in lane maintenance.

- A 28% reduction in street maintenance.
- A 39% reduction in curb, sidewalk and boulevard repairs.
- A 40% reduction in parking lot maintenance.
- **Solid Waste** – Originally, a 38% reduction in the solid waste program support, including a 70% reduction in the Recycle Education summer student program. The Solid waste program support has been reinstated.

Attachment C – Utilities Forecast

In the tables below, the forecast variance on the transfers line equals the net change in revenues over expenses. The transfers line represents the amount transferred to the respective utilities’ capital program or other reserves within the fund.

Electric Utility

Electric Utility	YTD Actuals	2020 Budget	End of Year Forecast	Forecast Variance
Revenues	(21,218,644)	(42,567,428)	(42,064,914)	502,514
Expenses	13,789,657	34,650,714	33,210,923	(1,439,791)
Transfers	0	7,916,714	8,853,991	937,277
Net Electric Utility	(7,428,987)	0	0	0

Revenue reductions (in addition to lost discount revenue discussed in the utilities section of the report) include:

- Electrical Sales \$303K

Expense reductions include:

- Cost of Power \$1M
- Miscellaneous system maintenance repair budgets \$100K
- Meter testing and maintenance \$100K
- Staff and crew training \$95K
- Miscellaneous other \$145K

Sewer Utility

Sewer Utility	YTD Actuals	2020 Budget	End of Year Forecast	Forecast Variance
Revenues	(4,066,436)	(7,815,559)	(7,715,559)	100,000
Expenses	2,139,787	5,831,534	5,686,011	(145,523)
Transfers	(35,581)	1,984,025	2,029,548	45,523
Net Sewer Utility	(1,962,230)	0	0	0

Expense reductions include:

- Sanitary trunk line cleaning \$50K
- Video inspection \$45K
- Miscellaneous other \$51K, including
 - An 95% reduction in Sewer Main and Manhole maintenance.
 - Pausing of Compost Marketing

Water Utility

	YTD Actuals	2020 Budget	End of Year Forecast	Forecast Variance
Water Utility				
Revenues	(4,370,027)	(9,194,753)	(9,094,753)	100,000
Expenses	1,966,296	5,084,229	4,648,365	(435,864)
Transfers	(45,696)	4,110,524	4,446,388	335,864
Net Water Utility	(2,449,427)	0	0	0

Expense reductions include:

- Drought management plan \$79K
- Hydrant Maintenance \$73K
- Incline block rate study \$70K
- Water meter upgrades \$58K
- Water treatment plant technical assistance \$45K
- Miscellaneous other \$111K, including:
 - Pausing the Leak Detection program
 - Pausing the Engineering Consulting budget
 - A 13% reduction in Irrigation System maintenance

Council Report

pentiction.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Director Development Services

File No: 5480-01

Subject: Metered parking program expansion

Staff Recommendation

THAT Council direct staff, in the preparation of the 2021 Business Plan, investigate expanding the metered parking program to the following areas:

- Downtown (Main Street, Ellis Street, Front Street, removing 1 hour free parking from Backstreet lot)
- Lakeshore Drive and Okanagan Lake parking lots (Loco Landing, Lackawanna, Marina Way)
- Skaha Park and Parkview Street
- South Okanagan Event Centre (SOEC) Campus
- Resident only parking areas (permits are currently provided at no charge)

AND THAT Council direct staff to consult the general public on the financial tradeoffs of continuing to not charge for parking in areas with high usage;

AND THAT Staff present the results of the public engagement and options for Council's consideration prior to the 2021 budget preparation.

Strategic priority objective

- **Mission:** Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.
- **Asset & Amenity Management:** The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

The COVID-19 pandemic has exposed vulnerabilities in the City's revenue streams and added additional costs. An expected \$3.9 million dollar shortfall in revenue is expected for 2020, mostly because of the closure of several City facilities, including the Casino and South Okanagan Event Centre, two facilities that contribute substantially to the City's budget. A similar and perhaps larger shortfall is expected in 2021, should the pandemic continue into 2021 and beyond as predicted. As a result of these shortfalls and additional costs

incurred as a result of the pandemic, City staff have been looking at ways to increase revenue opportunities to support long term operational funding.

The City's parking program is one of those functions that has been identified as an area where a 'user pay' approach could help bring more sustainability to the City's revenue streams.

Parking, while provided for free or highly subsidized in most of the city, has a cost. The costs of parking include: development of spaces (capital), maintenance of those spaces, enforcement of parking regulations and opportunity costs for other uses of the land. Often, these costs are included in the City's capital and operational budgets spread out over various areas, without their true costs being understood. Best practices support charging for parking in high usage areas. Having a more 'user pay' approach to parking would reduce the level of taxpayer subsidization to parking.

Previous parking research done both by staff and several different consultants has identified five areas where a 'user pay' approach would make sense. Staff are recommending that Council support further research into each area and to consult the public on the financial tradeoffs of continuing to not charge in these areas.

A description of each opportunity follows:

Downtown

Currently, in the downtown, parking is offered at no charge in the most valuable / desirable spots, including all of Main Street, most of Ellis Street, Front Street and in parking lots on Backstreet Boulevard (one hour free). Other areas, which in some cases are less desirable and less in demand are metered: Martin Street, parts of Winnipeg Street, Westminster Avenue, Nanaimo Avenue, White Avenue, Padmore and others. While there are historic and symbolic reasons this parking approach has evolved in this way, having a more blanket approach of charging for parking on all streets would be a fairer approach and significantly decrease the loss in revenue of providing the parking in those areas at no charge (at the current rates, this subsidy is estimated at ~ \$300,000 a year).

Another consideration in staff's analysis will be the rate charged for parking. At \$1.25 per hour, the City is currently at the low end of comparable municipalities. Raising hourly rates needs to be done in a thoughtful manner to as not to discourage residents from choosing the downtown as their shopping destination. But likely a modest increase from the current rates to those more in-line with other comparable municipalities would be acceptable.

Lakeshore Drive and Okanagan Lake parking lots (Loco Landing, Lackawanna, Marina Way)

During the summer months, the Okanagan lakeshore is one of the busiest locations in Penticton for tourists and locals alike. There are over 250 on-street parking spaces along Lakeshore Drive, Riverside Drive and Marina Way that are currently not charged for (aside from a small portion of Lakeshore Drive in front of the Lakeside Resort). In addition to the on-street parking, there are three main parking lots: the lot shared by Loco Landing and the SS Sicamous (85 spaces), the parking lot at Lackawanna Park (42 spaces) and the parking lot at the Japanese Garden at Marina Way Park (32 spaces). These spots are currently provided at no charge to users.

The cost of not charging for parking along Lakeshore Drive and in these parking lots during the summer based on the current rates is estimated at \$250,000 a year.

One of the challenges with implementing pay parking in this area (and with the Skaha Park spoken to below) is the seasonal nature of the usage. In the summer months parking in these areas is almost at capacity throughout the day. All other times of the year, parking is utilized at a less than 10% rate, making charging for parking not viable.

Skaha Lake Park

Similar to the Okanagan lakefront, Skaha Lake is an extremely popular destination during the summer months. Skaha Park includes two large parking lots, the eastern lot has 225 parking spaces and the western lot has 72 spaces. Parkview Street has another 42 on street spaces. Even though parking is at a premium in these locations, parking is not charged in these areas. Currently, boat trailers are the only types of parking where there is a fee in the south end of the city.

The opportunity cost of not charging for parking in these areas is estimated at ~ \$125,000 a year.

South Okanagan Event Centre Campus

Parking at the South Okanagan Event Centre (SOEC) campus (including the SOEC, Casino, Memorial Arena, Trade and Convention Centre, Cleland Theater and Community Centre) is a complex issue. A recent study was done on parking (2018) taking into account all of the various users of the site and the parking demands for each. The report had a number of recommendations, one of which is to implement paid parking as a longer term solution to traffic and parking issues. The report though, does not go into detail on implementation of pay parking nor the revenue opportunities. The report looked at parking more from the approach of transportation demand management and paid parking as a tool to manage traffic as opposed to a City revenue source.

Event parking is handled by Spectra management and would override the City's pay parking program. Revenue potential on this approach is estimated at \$150,000 a year.

Resident Only Parking Areas

Currently, there are 'resident only' parking areas established on certain streets in and around the downtown and adjacent to Penticton Regional Hospital. These areas were established as downtown and hospital employees would park on residential streets during their shifts as opposed to paying to park in downtown lots or in the paid hospital employee parking areas. This created a situation where residents of those areas could not benefit from the parking in their own neighbourhood for their visitors, deliveries or themselves.

The 'resident only' program is administered from City Hall. Households within a 'resident only' areas attend City Hall and provide proof of residence and are given a parking decal and visitor decals at no charge.

Staff are investigating different ways to administer this program including utilizing license plate technology and on-line registration as opposed to attending City Hall and displaying decals. With the changes, savings will be made, but the program still has a cost, including the staff time to verify addresses, administer the program and monitor compliance. Staff are called out often by residents in these areas to investigate violations.

Establishing a yearly fee for those residents in these areas would offset the costs of program administration. Staff estimate that based on a \$30 a year fee, \$15,000 in revenue is possible from this program, which would offset the roughly \$14,500 in estimated costs to administer the program. Staff also note that should the

parking plan be implemented as presented, it is likely that there will be requests from other areas for resident only parking. Staff are already reviewing requests for properties in neighborhoods around the SOEC / Community Centre. If paid parking is implemented at the Community Center the surrounding neighbourhoods will surely be negatively impacted.

Financial implication

Current revenue and costs

Currently, the City’s parking program is a \$500,000* a year business when taking into account metered parking revenue (coin meters and parking machines), metered and permit parking lots (hourly, monthly scramble, monthly reserved) and ticket revenue.

*As a response to the COVID pandemic, Council made the decision to provided free on-street parking everywhere in the downtown from March through to the end of 2020 (Council resolution 159/2020). This represents a revenue loss of ~\$196,000 for 2020. Parking in the various parking lots is still being charged.

Potential revenue and costs of expanded program

If Council were to support the expansion of metered parking to any or all of the areas identified, detailed estimates and costs for implementation would be prepared for each area. The following table provides high level estimates of the revenue projected and cost to set up parking for each area.

Table 1: ‘High level’ estimates of forgone parking revenue and estimated capital set up costs

Area	Yearly Revenue potential	Capital
Downtown	\$300,000	34 machines = \$204,000 New signage = \$7,500
Okanagan Lakeshore	\$250,000	14 machines = \$84,000 New signage = \$5,000
Skaha Lake Park	\$125,000	4 machines = \$24,000 New signage = \$2,500
SOEC Campus	\$150,000	10 machines = \$60,000 New signage = \$3,500
Resident Only Parking	\$15,000	
	Total: \$840,000	Total: \$390,500

Expansion of the metered parking program would also necessitate additional staffing, including a parking supervisor and an additional traffic enforcement officer.

Public Consultation

As part of the City’s on-going commitment to engage the public in the decision making process, a survey will be created to gather feedback on the public’s opinion on expanding the metered parking program. The survey will be made available on the Shape Your City website and engagement kiosks. The survey intends to provide financial tradeoffs and poll the respondents on their preferences. The survey tests opinions on the overall approach (subsidization vs. user pay) and on charging in recreational areas (i.e. lakefront parks,

Community Centre) vs commercial areas (i.e. downtown). The survey also asks about utilization of the Passport app (the online and mobile payment platform available since 2018).

While a significant parking engagement exercise on parking was done in 2017, it will be valuable to confirm results from that process and see where opinions on parking have evolved since. The results of the 2017 survey showed a strong opposition to the expansion of metered parking onto Lakeshore Drive. The survey also showed a majority of respondents believing that parking *should* be self-funded, providing support for a more equitable approach in the downtown and elsewhere.

Analysis

Providing parking at no cost to users in most of the downtown, along the waterfronts and in recreational areas is a welcoming gesture to visitors and local driving residents. Often through, the true costs and level of taxpayer subsidization is not fully understood, as the costs are included in many different budget areas and the opportunity costs for other uses of the land (redevelopment / bike lanes / wider sidewalks etc) are not often considered.

With the immediate impacts of COVID-19 highlighting the underlying vulnerabilities of the City’s revenue stream, the expansion of the user pay for parking program could be a way to manage a valuable City asset more equitably and responsibly and help make the City’s revenue stream more sustainable. As such staff are recommending exploring a user pay approach to parking with the expansion of the metered parking program throughout the downtown and into busy recreational areas.

Staff are also recommending that public opinion on this proposal be gauged through a survey. Results of the survey and more detailed information on the various options will be presented back to Council in time for 2021 business plan preparation.

Respectfully submitted,

Blake Laven,
Director of Development Services

Concurrence

Chief Financial Officer <i>JWB</i>	A/Chief Administrative Officer JB
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Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Director Development Services

File No: 6750-20

Subject: Responsible Liquor Consumption in Public Places (Skaha Park)

Staff Recommendation

THAT Council give first, second and third reading to "Liquor Consumption (Skaha Park) Bylaw No. 2020-28";
AND THAT a Special meeting of Council be held on July 23, 2020 at 3:00 p.m. to adopt Bylaw No. 2020-28.

Strategic priority objective

- **Vision:** A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Background

Council, on July 8, 2020, after a successful one month pilot period, passed a bylaw allowing responsible alcohol consumption in select public places along the Okanagan Lake waterfront. As part of the pilot, several stakeholders were consulted including Council's Parks and Recreation Advisory Committee. The Committee was fully in support of continuing the pilot beyond the initial month and also recommended that Council consider expanding the pilot to Skaha Lake and also consider a downtown on-street trail connecting the downtown breweries. Additionally, Skaha Park was the most frequently suggested location to be added by the City in the public opinion survey conducted during the pilot.

Council at the July 7, 2020 Council meeting, gave staff direction to investigate the option of expanding the responsible consumption initiative to Skaha Lake and a downtown brewery trail.

Staff are recommending moving forward with including Skaha Park in the responsible consumption program, but are not recommending moving forward with the downtown brewery trail at this time.

Skaha Park

In consultation with the City Parks Department, two options were considered for expanding the responsible consumption program to Skaha Park. The first concept and the one that staff supports includes the entire park, with exclusion areas around the three children play areas: nature play area, children's play equipment and splash pad. The proposal would see a 20 m buffer around these areas. Staff consider this blanket

proposal the easiest to manage, but have presented an alternative as a second option should Council wish to see a reduced area (See Alternatives section).



Downtown Brewery Walk

Staff have reached out to the brewery industry on the concept of a brewery tour allowing open alcohol on city streets connecting the downtown breweries. While the concept has some support, industry representatives have identified some challenges that have led staff to not support the initiative at this time. For one, there are concerns from a licensing perspective of persons with open alcohol entering a licensed establishment. For another, the development of a downtown 'brewery district' is still in its infancy, and the idea of the brewery trail may be premature. It was also felt that the concept may work better during a short period of time, for example during Craft Beer Week.

Given the initial feedback from industry, staff are not recommending moving forward on this initiative at this time.

Financial implication

This initiative will have minor impacts on the City's finances as this is largely a regulatory change. Costs to implement include some signage and increased monitoring of garbage and recycling receptacle usage (<\$2,000).

Analysis

The responsible consumption initiative on the Okanagan lakefront has been a successful to date. Expanding the initiative to Skaha Lake Park will allow residents on the south end of the City the same opportunities as on the north end.

Staff are recommending support for the bylaw and are recommending that Council give first, second and third reading to the bylaw and that a special meeting be held July 23, 2020 to adopt the bylaw.

Alternate recommendations

Council may prefer a smaller area dedicated to the responsible consumption initiative than the larger area proposed by staff. If that is the case, staff recommend considering the area to the west of Parkview Street. This would still provide a large area with picnic tables and some beach area for those that want to responsibly enjoy alcoholic beverages, but keep the remainder and majority of the beach alcohol free. Staff are not recommending this approach as there may be some confusion by the public on which areas are included or not. Furthermore, having a larger area provides greater opportunities to spread out, an important consideration given the COVID-19 physical distancing provisions.



Should council want to proceed with this area as opposed to the entire beach, Council should give readings to the alternative bylaw as attached on Attachment B.

Attachments

Attachment A – Liquor Consumption (Skaha Park) Bylaw No. 2020-28

Attachment B – Liquor Consumption (Skaha Park between South Beach Drive and Parkview Street) Bylaw No. 2020-28 (alternative schedule with limited area)

Respectfully submitted,

Blake Laven, MCIP, RPP
Director of Development Services

Concurrence

Acting Chief Administrative Officer
JB



City of Penticton – Schedule ‘A’
“Liquor Consumption (Skaha Park) Bylaw No. 2020-28”

Date: _____

Corporate Officer: _____



City of Penticton – Schedule ‘A’
**“Liquor Consumption (Skaha Park between South Beach Drive and Parkview Street)
Bylaw No. 2020-28”**

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: July 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Angie Collison, Corporate Officer
Subject: **Committee Terms of Reference – 2020-2022**

File No:

Staff Recommendation

1. THAT Council approve the 2020 - 2022 Terms of Reference for the Agriculture Advisory Committee.
2. THAT Council approve the 2020 - 2022 Terms of Reference for the Arts, Creative & Cultural Innovation Advisory Committee.
3. THAT Council approve the 2020 - 2022 Terms of Reference for the Community Sustainability Advisory Committee.
4. THAT Council approve the 2020 - 2022 Terms of Reference for the Economic Prosperity and Development Services Advisory Committee.
5. THAT Council approve the 2020 - 2022 Terms of Reference for the Heritage & Museum Advisory Committee.
6. THAT Council approve the 2020 - 2022 Terms of Reference for the Parks & Recreation Advisory Committee.
7. THAT Council approve the 2020 - 2022 Terms of Reference for the Penticton and Ellis Creek Restoration Select Committee.
8. THAT Council approve the 2020 - 2022 Terms of Reference for the Safety and Security Advisory Committee.

Strategic priority objective

Vision: A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

At the July 7, 2020 meeting, Council resolved to amend the Terms of Reference for the Economic Prosperity and Development Services Advisory Committee and include COVID-19 economic recovery as an area of focus for the Committee. To ensure consistency, we reviewed all eight Council Committee Terms of Reference and made a few changes.

Notable Changes include:

- Broadened the make up of each Advisory Committee and removed representatives from specific agencies. This will result in fewer vacancies and the continuation of appointed members if they are no longer associated with the specific agency;
- Added language regarding Conflict of Interest and the requirement to sign a Conflict of Interest and Confidentiality Declaration;
- Added language on removal of a member from a Committee;
- How to resign and who to send written resignation to;
- End of term for all Committees is December 31, 2022.

Agriculture Advisory Committee

The 2020 – 2022 Terms of Reference for Agriculture Advisory Committee is for ten (10) voting members with a focus on the agriculture industry, including land use, economic development and cultural matters.

There are two (2) vacancies.

Arts, Creative & Cultural Innovation Advisory Committee

The 2020 – 2022 Terms of Reference for Arts, Creative & Cultural Innovation Advisory Committee is for nine (9) voting members with a focus on implementing the Public Art Policy and recommending actions, education and marketing initiatives which promote increased public awareness and participation in arts and culture in the community.

There are two (2) vacancies.

Community Sustainability Advisory Committee

The 2020 – 2022 Terms of Reference for Community Sustainability Advisory Committee is for nine (9) voting members with a focus on Climate Action Plans and recommending actions, education and marketing initiatives which promote increased public awareness and participation in climate action and community sustainability.

There is one (1) vacancy.

Economic Prosperity and Development Services Advisory Committee

The 2020 – 2022 Terms of Reference for Economic Prosperity and Development Services Advisory Committee is for 18 voting members with a focus on implementing the Economic Development Strategic Plan, provide connections and advice to help develop, attract and retain business and COVID-19 economic recovery.

There are two (2) vacancies.

Heritage & Museum Advisory Committee

The 2020 – 2022 Terms of Reference for Heritage & Museum Advisory Committee is for nine (9) voting members with a focus on implementing the City's Heritage Strategy and recommending actions, education and marketing initiatives which promote increased public awareness and participation in community heritage resources and knowledge.

There are four (4) vacancies.

Parks & Recreation Advisory Committee

The 2020 – 2022 Terms of Reference for Parks & Recreation Advisory Committee is for 13 voting members with a focus on implementing the Parks and Recreation Master Plan and recommending park uses and protection.

There are two (2) vacancies.

Penticton and Ellis Creek Restoration Select Committee

The 2020 – 2022 Terms of Reference for Penticton and Ellis Creek Restoration Select Committee is for ten (10) voting members with a focus on technical matters related to the restoration and redesign of the Penticton Creek and Ellis Creek. This select committee continues to consist of representatives from specific agencies.

There are no vacancies.

Safety and Security Advisory Committee

The 2019 – 2022 Terms of Reference for the Safety and Security Advisory Committee is for nine (9) voting members with a focus on public safety and crime prevention initiatives.

There are two (2) vacancies.

Call for Committee Members

Once the Terms of Reference for the Committees are approved, staff will advertise in the newspaper and via social media for members to fill any vacancies.

Attachments

Attachment A – 2020 – 2022 Terms of Reference Agriculture Advisory Committee

Attachment B – 2020 – 2022 Terms of Reference Arts, Creative & Cultural Innovation Advisory Committee

Attachment C – 2020 – 2022 Terms of Reference Community Sustainability Advisory Committee

Attachment D – 2020 – 2022 Terms of Reference Economic Prosperity and Development Services Advisory Committee

Attachment E – 2020 – 2022 Terms of Reference Heritage & Museum Advisory Committee

Attachment F – 2020 – 2022 Terms of Reference Parks & Recreation Advisory Committee

Attachment G – 2020 – 2022 Terms of Reference Penticton and Ellis Creek Restoration Select Committee

Attachment H – 2020 – 2022 Terms of Reference Safety and Security Advisory Committee

Respectfully submitted,

Angie Collison
Corporate Officer

Acting Chief Administrative Officer JB

2020 – 2022 Terms of Reference Agriculture Advisory Committee

1. The Committee shall consist of **TEN (10)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for individuals with direct knowledge or interest and/or experience in agriculture that could include, but is not limited to:
 - Students and Youth
 - Agricultural finance
 - Academia
 - Horticulture
 - Viticulture
 - Livestock/animal husbandry
 - Agricultural processing
 - Value-added processor (cheese, cider, preserves, oil, etc.)
 - Distribution, including farm retail sales/markets
 - Sustainable development
 - Agri-tourism
2. The Committee Members shall appoint a Chair and Vice-Chair.
3. Council shall appoint one (1) Council representative to the Committee.
4. Role of Council Representative:
 - Non-Voting Member
 - Liaison to City Council
5. The Mayor or their Deputy will act as an alternate Council representative.
6. A majority of appointed voting members shall constitute a quorum.
7. The Planning Manager and/or designate shall attend committee meetings to provide operational support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by council or staff requiring immediate action.
10. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
 - Making recommendations on all aspects of the agricultural industry, including land use, economic development and cultural matters;
 - Acts as a liaison between Council and the agricultural community;

- Review and make recommendations on applications initiated under the *Agricultural Land Commission Act*, which are to be considered by Council;
- Applications to amend the Official Community Plan and Zoning Bylaw where the subject property is zoned agricultural or has a direct impact on agriculturally zoned parcels;
- As directed by Council, reviewing initiatives to enhance the agricultural economy and promote Agri-business and Agri-tourism opportunities;
- As directed by Council, providing input on submissions to other levels of government;
- As directed by Council or requested by staff, advising staff on issues related to the irrigation systems, draining, roads or other municipal services affecting agricultural lands;
- As directed by Council, the Committee will undertake, research, develop or propose cultural tourism initiatives or potential partnerships in line with the City's vision. These initiatives may include (but are not limited to):
 - Agricultural heritage exhibit
 - Farm tours and farm demonstrations
 - Horse riding including cattle drive activities
 - Horse or other livestock shows
 - Hay, tractor and sleigh rides
 - Pumpkin patch tours and related activities
 - Picnicking
 - Farm related educational activities including cooking classes using farm products from the farm
 - Seasonal promotional events (e.g. harvest and Christmas fairs and activities)
 - Special promotional events (e.g. private or public special occasion events for the promotion of farm products)
 - Charitable fundraisers
 - Catered food and beverage service special events where farm products from the farm are promoted, but not a service requiring the use of a permanent commercial kitchen
 - Corn mazes
 - Bird and wildlife refuges and rescue services
- The Committee, for any initiative it puts forward, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards, senior levels of government, and/or municipal funding;
- As directed by Council, the Committee undertakes to review and make recommendations on applications proposing community urban agriculture projects in passive areas of the City, including brownfields, pocket gardens, parks, green spaces, etc.;
- Advise Council with respect to impacts of climate change and/or invasive species;
- Working with Council, at Council's request, on submissions related to agricultural issues with other levels of government; and
- As directed by Council, recommend actions, education and marketing initiatives which promote increased public awareness and participation in residential and communal agriculture in the community.

The Committee will not participate in operational matters respecting the City of Penticton.

11. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

12. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

13. Resignation

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

14. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

15. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

16. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2020 – 2022 Terms of Reference Arts, Creative & Cultural Innovation Advisory Committee

1. The Committee shall consist of **NINE (9)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for individuals with direct knowledge or interest and/or experience in arts and culture that could include, but is not limited to:
 - Art professionals
 - Art collectives
 - Architects
 - Landscape designers
 - Urban designers
 - Wineries
 - Conservation society
2. The Committee Members shall appoint a Chair and Vice-Chair.
3. Council shall appoint one (1) Council representative to the Committee.
4. Role of Council Representative:
 - Non-Voting Member
 - Liaison to City Council
5. The Mayor or their Deputy will act as an alternate Council representative.
6. A majority of appointed voting members shall constitute a quorum.
7. The Director of Recreation & Facilities and Director of Development Services and/or designates, shall attend committee meetings to provide operational support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.
10. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
 - The Committee uses the City's Public Art Policy as its basis for advising City Council and its Boards, Agencies, Commissions, Committees or Staff, developers and citizens when reasonable and objective advice and guidance on public art is needed;

- The Committee undertakes to research, develop and propose arts and culture activities to complement community revitalization efforts along side private and non-profit sector partners;
- The Committee undertakes to research, develop and propose other creative and cultural programs in line with the City's vision;
- The Committee, for each initiative it proposes to execute, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding;
- Recommend actions which promote increased collaboration and communication between arts and cultural groups; and
- Recommend actions, education and marketing initiatives which promote increased public awareness and participation in arts and culture in the community.

The Committee will not participate in operational matters respecting the City of Penticton.

11. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

12. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

13. Resignation

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

14. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

15. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

16. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2020 – 2022 Terms of Reference Community Sustainability Advisory Committee

1. The Committee shall consist of **NINE (9)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given to individuals with direct knowledge or interest and/or experience in community sustainability that could include, but is not limited to:
 - Environment
 - Renewable Energy
 - Climate Action
 - Recycling
2. The Committee Members shall appoint a Chair and Vice-Chair.
3. Council shall appoint one (1) Council representative to the Committee.
4. Role of Council Representative:
 - Non-Voting Member
 - Liaison to City Council
5. The Mayor or their Deputy will act as an alternate Council representative.
6. A majority of appointed voting members shall constitute a quorum.
7. The Community Sustainability Coordinator and/or designates, shall attend committee meetings to provide operational support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.
10. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
 - Providing recommendation on the preparation, updating and administration of Corporate and Community Climate Action Plans;
 - Reviewing, analyzing and providing feedback on any community related climate action items as directed by Council, including strategic planning, bylaws and policy development;
 - Providing a forum for dialogue and information sharing related to community sustainability initiatives;
 - The Committee, for each initiative it proposes to execute, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding; and

- Recommend actions, education and marketing initiatives which promote increased public awareness and participation in climate action and community sustainability.

The Committee will not participate in operational matters respecting the City of Penticton.

11. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

12. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

13. Resignation

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

14. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must

keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

15. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.
16. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

The Committee will:

- Implementation of the Economic Development Strategic Plan;
- Review projects referred to Council for economic growth;
- Provide connections and advice to help develop, attract and retain business and economic activity;
- Review development statistics and industry trends and indicators;
- Review and provide advice on proposed provincial or federal policies that effect the local and regional economy, real estate development and provide advice to Council on the City's position in relating to such policies; and
- Provide advice on long-term COVID-19 economic recovery.

The Committee will not participate in operational matters respecting the City of Penticton.

11. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

12. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

13. Resignation

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

14. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

15. The Mayor will sign all correspondence initiated by the committee on behalf of the City of Penticton.

16. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2020-2022 Terms of Reference Heritage & Museum Advisory Committee

1. The Committee shall consist of **NINE (9)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for individuals with direct knowledge or interest and/or experience in arts and culture that could include, but is not limited to:
 - Indigenous groups
 - Students and youth
 - Educators, teachers, professors
 - Archivist
 - Conservationist
 - Business community
2. The Committee Members shall appoint a Chair and Vice-Chair.
3. Council shall appoint one (1) Council representative to the Committee.
4. Role of Council Representative:
 - Non-Voting Member
 - Liaison to City Council
5. The Mayor or their Deputy will act as an alternate Council representative.
6. A majority of appointed voting members shall constitute a quorum.
7. The Director of Recreation and Facilities and the Penticton Museum & Archives Curator/Manager and/or designates, shall attend committee meetings to provide operational support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.
10. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
 - The Committee will use the City's Heritage Strategy as its basis for advising City Council and its boards, agencies, commissions, committees or staff, developers and citizens when reasonable and provide objective advice and guidance on heritage issues as needed;

- The Committee will respect the existing governance and direction provided to the Penticton Library, Okanagan College and School District 67 and Penticton Indian Band, and will tap into their collective insight and expertise to better inform the community's heritage and knowledge resources;
- Although not a design or planning committee (and will not be asked to make decisions around urban design or urban planning), the Committee will advise on guidelines and developments that pertain to or affect priority items on the heritage list;
- The Committee will recommend actions, education and marketing initiatives which promote increased public awareness and participation in community heritage resources and knowledge; and
- The Committee will make recommendations of additions to the approved street name list.

The Committee will not participate in operational matters respecting the City of Penticton.

11. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

12. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

13. Resignation

In any case where Council proposes to remove a member from a committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

14. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

15. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

16. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2020-2022 Terms of Reference Parks & Recreation Advisory Committee

1. The Committee shall consist of **THIRTEEN (13)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for individuals with direct knowledge or interest and/or experience in community parks and recreation that include, but is not limited to:
 - Nature appreciation
 - Indoor recreation
 - Outdoor recreation
 - Organized sports
 - Trails
 - Health and fitness
 - Water based activities
 - Sports tourism and special events
2. The Committee Members shall appoint a Chair and Vice-Chair.
3. Council shall appoint one (1) Council Representative to the Committee.
4. Role of Council Representative
 - Non-Voting Member
 - Liaison to City Council
5. The Mayor or their Deputy will act as an alternate Council representative.
6. A majority of appointed voting members shall constitute a quorum.
7. The Public Works Manager and Director of Recreation and Facilities and/or designates, shall attend Committee meetings to provide operational support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee requiring immediate action.
10. The Committee mandate is to make recommendations to Council on all matters referred to the Committee including:
 - Provision, protection and promotion of parks and recreation services;

- Support and maintain the vision and values of the 2018 Parks and Recreation Master Plan;
- Review and provide feedback or comments on Parks and Recreation proposed projects, initiatives or challenges;
- Advise on the implementation of recommendations outlined in the 2018 Parks and Recreation Master Plan;
- Review, evaluate and provide recommendations on park uses and protection as per the Parkland Protection and Use Policy;
- Make recommendations on community engagement requirements related to Park land Protection and Use Policy;
- Make recommendations on proposals for any leasing or licensing of Park space; and
- Make recommendations on City policies and bylaws that affect Parks and Recreation Services.

The Committee will not participate in operational matters respecting the City of Penticton.

11. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

12. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

13. Resignation

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

14. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

15. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

16. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2020 - 2022 Terms of Reference Penticton and Ellis Creek Restoration Select Committee

1. The Committee shall consist of **TEN (10)** voting members appointed by City Council for a term ending December 31, 2022 or at another date approved by Council. Preference will be given for:
 - One (1) representative and one (1) alternate of the Okanagan Nation Alliance
 - One (1) representative of the Penticton Indian Band
 - One (1) representative of the Fresh Water Fisheries Society of BC
 - One (1) representative and one (1) alternate of the Penticton Fly Fishers' Association
 - One (1) representative of the South Okanagan Conservation Program
 - One (1) representative and one (1) alternate of the Penticton Industrial Development Association
 - One (1) downtown residential owner
 - One (1) downtown business owner
 - One (1) member of the community based upon their interest in the Penticton Creek restoration
 - One (1) member of the Parks and Recreation Advisory Committee
2. The Committee shall consist of **TWO (2)** non-voting members:
 - One (1) representative and one (1) alternate of the Ministry of Forests, Lands and Natural Resource Operations: Fish and Wildlife Division
 - One (1) Representative and one (1) alternate of the Ministry of Forests, Lands and Natural Resource Operations: Water Stewardship Division
3. The Committee Members shall appoint a Chair and Vice-Chair.
4. Council shall appoint one (1) Council representative to the Committee.
5. Role of Council Representative:
 - Non-Voting Member
 - Liaison to City Council
6. The Mayor or their Deputy will act as an alternate Council representative.
7. A majority of appointed voting members shall constitute a quorum.
8. The General Manager of Infrastructure and City Engineer and/or designates, shall attend Committee meetings to provide operational and professional engineering support to the Committee.
9. The Corporate Administration Department shall arrange for secretarial services to the Committee.

10. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee requiring immediate action.
11. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
 - The technical matters related to the restoration and redesign of the Penticton Creek and Ellis Creek;
 - The principles and design parameters of redesign and restoration, including the recognition of what impacts may occur on adjacent commercial and residential properties;
 - Land use issues within the Penticton Creek and Ellis Creek riparian area;
 - Technical input and assistance with framing content related to Request for Proposals and Expressions of Interest;
 - Public engagement strategies related to the restoration of Penticton Creek and Ellis Creek; and
 - Development and recommendations on funding alternatives and fund raising.

12. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

13. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

14. Resignation

Any Committee member may resign by sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

15. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

16. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

17. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2020 – 2022 Terms of Reference Safety and Security Advisory Committee

1. The Committee shall consist of **NINE (9)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for individuals with direct knowledge or interest and/or experience in safety and security that could include, but is not limited to:
 - Public Health
 - Bylaw and Policing
 - Public Safety
 - Emergency Management
 - Crime Prevention
2. The Committee Members shall appoint a Chair and Vice-Chair.
3. Council shall appoint three (3) Council representatives to the Committee.
4. Role of Council Representatives:
 - Non-Voting Member
 - Liaison to City Council
5. A majority of appointed voting members shall constitute a quorum.
6. The Director of People and Safety Strategy and/or designates (Fire, Bylaw, RCMP), shall attend committee meetings to provide operational support to the Committee.
7. The Corporate Administration Department shall arrange for secretarial services to the Committee.
8. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.
9. The Committee's mandate is to make recommendations to Council on all matters referred to the Committee, including:
 - Providing recommendation on public safety and crime prevention initiatives such as but not limited to: environmental design; lighting; vandalism management and security of community facilities;
 - The Committee, for each initiative it proposes to execute, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding; and
 - Recommend actions, education and marketing initiatives that promote increased public awareness and participation in public safety in the community.

The Committee will not participate in operational matters respecting the City of Penticton.

10. Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

11. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

12. Resignation

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

13. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

14. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.
15. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.