



VILLAGE OF HARRISON HOT SPRINGS NOTICE OF MEETING AND AGENDA

REGULAR COUNCIL MEETING

Date: Monday, May 15, 2023
Time: 7:00 p.m.
Location: Council Chambers,
Memorial Hall, 290 Esplanade Avenue,
Harrison Hot Springs, British Columbia

THIS MEETING WILL BE CONDUCTED IN-PERSON AND VIA ZOOM VIDEO CONFERENCE

1. CALL TO ORDER

Meeting called to order by Mayor Wood
Acknowledgment of Sts'ailes traditional territory.

2. INTRODUCTION OF LATE ITEMS

3. APPROVAL OF AGENDA

4. ADOPTION OF COUNCIL MINUTES

(a) THAT the Regular Council Meeting Minutes of May 1, 2023 be adopted.

Page 1

5. BUSINESS ARISING FROM THE MINUTES

6. CONSENT AGENDA

i. Bylaws	
ii. Agreements	
iii. Committee/ Commission Minutes	
iv. Correspondence	

7. DELEGATIONS/PETITIONS

(a) Kim Halowski, FortisBC
Re: FortisBC's Low Carbon Transition Plan

Page 13

(b) John Coles
Re: Proposed Emergency Evacuation Route through Sasquatch Park

Page 25

8. CORRESPONDENCE

(a) Letter dated May 8, 2023 to Premier Eby
Re: Opposition to Bill 43

Page 55

- (b) Email dated May 9, 2023 from the Emergency Planning Secretariat
Re: Invitation to the Lower Fraser Floodplains Forum

Page 57

9. BUSINESS ARISING FROM CORRESPONDENCE

10. REPORTS OF COUNCILLORS, COMMITTEES, COMMITTEE OF THE WHOLE AND COMMISSIONS

11. REPORTS FROM MAYOR

12. REPORTS FROM STAFF

- (a) Report of Operations Manager/Acting DCAO – May 15, 2023
Re: Public Works Buildings – Vermiculite Abatement

Page 59

Recommendation:

THAT Council authorize the addition of \$15,000.00 to the initial budget of \$30,000.00 for the Public Works Building vermiculite abatement project at a total value of \$45,000.00 to be funded from Public Works Reserves; and

THAT Council award the Public Works Building vermiculite abatement project to PCS Pre-Construction Services at a value of up to \$45,000.00.

- (b) Report of Operations Manager/Acting DCAO – May 15, 2023
Re: Off-Leash Dog Park

Page 61

Recommendation:

THAT Council authorize staff to install a temporary dog park in the overflow parking lot in September 2023 for a term of 6 months.

THAT Council authorize staff to fund eligible expenses up to \$10,000.00 from the parkland reserves for the temporary dog park.

That Council authorize staff to add \$5,000.00 to the operational budget for the temporary dog park.

THAT Staff report back to council, in the spring of 2024, with a review of the trial period to include operational, communal and financial information.

- (c) Report of Interim CAO/Acting CO – May 15, 2023
Re: Strategic Planning Session – June 26 and 27, 2023

Page 65

Recommendation:

THAT That a Town Hall meeting be arranged for 5:00 pm Monday, June 26, 2023 at Memorial Hall so residents can attend; and

THAT Council's Strategic Planning session start after the June 26, 2023 Town Hall meeting.

- (d) Report of Operations Manager/Acting DCAO – May 15, 2023
Re: Code of Conduct

Page 67

Recommendation:

THAT the Council review the attached draft Code of Conduct Bylaw No. 1189, 2023, with proposed changes, and if it is supported, give the bylaw its First Three Readings; and

THAT the current Village of Harrison Hot Springs Code of Conduct Policy No. 1.33 be cancelled once Code of Conduct Bylaw No. 1189, 2023 is adopted.

13. BYLAWS

- (a) Highway and Traffic Amendment Bylaw No. 1191, 2023

Page 91

Recommendation:

THAT Highway and Traffic Amendment Bylaw No. 1191, 2023 be given final reading and adoption.

- (b) Parks Regulation Amendment Bylaw No. 1192, 2023

Page 93

Recommendation:

THAT Parks Regulation Amendment Bylaw No. 1192, 2023 be given final reading and adoption.

- (c) Report of Operations Manager – May 15, 2023
Re: Rezoning Amendment Bylaw

Page 95

Recommendation:

THAT Zoning Amendment Bylaw 1193, 2023 be given first and second reading; and

THAT staff be authorized to refer the application to the Advisory Planning Commission, Harrison Hot Springs Fire Department, and the Ministry of Transportation and Infrastructure, and

THAT staff be authorized to schedule a public hearing.

- (e) Code of Conduct Bylaw No 1189, 2023

Page 101

14. NEW BUSINESS

15. QUESTIONS FROM THE PUBLIC (pertaining to agenda items only)

16. ADJOURNMENT


Kelly Ridley
Interim Chief Administrative Officer/
Acting Corporate Officer

**VILLAGE OF HARRISON HOT SPRINGS
MINUTES OF THE REGULAR MEETING OF COUNCIL**

DATE: Monday, May 1, 2023
TIME: 7:00 p.m.
PLACE: Council Chambers, Memorial Hall
 290 Esplanade Avenue, Harrison Hot Springs, BC

IN ATTENDANCE: Mayor Ed Wood
 Councillor John Buckley
 Councillor Leo Facio
 Councillor Allan Jackson
 Councillor Michie Vidal

Interim Chief Administrative Officer/ Acting CO, Kelly Ridley
 Finance Manager, Scott Schultz
 Operations Manager/Deputy CAO, Tyson Koch
 Planning Consultant, Ken Cossey

ABSENT:

1. CALL TO ORDER

Mayor Wood called the meeting to order at 7:00 p.m.
 Mayor Wood acknowledged the traditional territory of Sts'ailes

2. INTRODUCTION OF LATE ITEMS

Moved by Mayor Wood
Seconded by Councillor Buckley

THAT the following items be added to the agenda:

- Employment Changes at the Village Office
- Email dated April 28, 2023 from Philip Cruickshanks be added under section 8: Correspondence as item (h).

**CARRIED
UNANIMOUSLY**
 RC-2023-05-01

Mayor Wood reported that the Chief Financial Officer, Scott Schultz, will be moving on from the Village. He also reported that the Deputy Chief Administrative Officer/Corporate Officer, Debra Key, has retired.

3. APPROVAL OF AGENDA

Moved by Councillor Vidal
Seconded by Councillor Buckley

THAT the agenda dated May 1, 2023 be approved as amended.

**CARRIED
UNANIMOUSLY**
 RC-2023-05-02

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

4. ADOPTION OF COUNCIL MINUTES

Moved by Councillor Vidal
Seconded by Councillor Buckley

THAT the Special Pre-Closed Meeting Minutes of March 30, 2023 be adopted.

**CARRIED
UNANIMOUSLY**
RC-2023-05-03

Moved by Councillor Facio
Seconded by Councillor Buckley

THAT the Special Pre-Closed Meeting Minutes of April 4, 2023 be adopted.

**CARRIED
UNANIMOUSLY**
RC-2023-05-04

Moved by Councillor Buckley
Seconded by Councillor Jackson

THAT the Special Pre-Closed Meeting Minutes of April 17 & 18, 2023 be adopted as amended by amending resolution SC(C)23-013 to read that the meeting was adjourned at 9:17 am and not 9:17 pm.

**CARRIED
UNANIMOUSLY**
RC-2023-05-05

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT the Regular Council Meeting Minutes of April 17, 2023 be adopted.

**CARRIED
UNANIMOUSLY**
RC-2023-05-06

5. BUSINESS ARISING FROM THE MINUTES

None

6. CONSENT AGENDA

None

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

7. DELEGATIONS/PETITIONS

- (a) Brian Szabo, BDO Canada
Re: Audit Findings

Mr. Szabo attended the meeting via zoom and provided a PowerPoint presentation to Council on the Village of Harrison Hot Springs Audit Findings Report for the 2023 Financial Audit prepared by BDO Canada.

- (b) Gabriele Thornton
Re: Council Meetings Accommodating Disabilities and Council Meeting Location Change

Mrs. Thornton spoke to Mayor and Council regarding her concerns with Council Meetings accommodation for people with hearing disabilities and health concerns regarding the Council meetings returning to the Village Office.

- (c) John Allen
Re: Council Meeting Location Concerns

Mr. Allen spoke to Mayor and Council regarding his concerns with Council Meetings returning to the Village Office.

8. CORRESPONDENCE

- (a) Email dated April 12, 2023 from Denise and Curtis Archibald
Re: Boat Launch Daily Parking Rates 2023
- (b) News Release dated April 17, 2023 from UBCM
Re: Grant Funding for Dike Upgrade
- (c) Email dated April 18, 2023 from Leanne Bird
Re: Swimming Lessons Registration in the District of Kent
- (d) Letter dated April 18, 2023 from Government Finance Officers Association
Re: Canadian Award for Financial Reporting
- (e) Letter dated April 21, 2023 from Bill & Marilyn Boonstra
Re: No Parking Signage on McCombs Drive
- (f) Email dated April 24, 2023 from the Emergency Planning Secretariat
Re: Invitation to the Lower Fraser Floodplains Forum
- (g) Letter dated April 26, 2023 from Ed Chanter
Re: Safety and Security Plan for the Village OCP
- (h) Email dated April 28, 2023 from Philip Cruickshanks
Re: Parking on McCombs Drive

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

Moved by Councillor Buckley
Seconded by Councillor Jackson

THAT the email dated April 12, 2023 from Denise and Curtis Archibald, the news release dated April 17, 2023 from UBCM, the email dated April 18, 2023 from Leanne Bird, the letter dated April 18, 2023 from the Government Finance Officers Association, the letter dated April 21, 2023 from Bill and Marilyn Boonstra, the email dated April 24, 2023 from Emergency Planning Secretariat, the letter dated April 26, 2023 from Ed Chanter, and the email dated April 28, 2023 from Philip Cruickshanks be received.

**CARRIED
UNANIMOUSLY**
RC-2023-05-07

9. BUSINESS ARISING FROM CORRESPONDENCE

Moved by Mayor Wood

THAT parking be allowed on the east side of McCombs near Alder Avenue.

**MOTION FAILED
LACK OF SECONDER**

10. REPORTS OF COUNCILLORS, COMMITTEES, COMMITTEE OF THE WHOLE AND COMMISSIONS

Councillor Facio

- Fraser Health – No Report
- Fraser Valley Regional District Board (Municipal Director)
 - Attended a meeting on April 27, 2023
- Fraser Valley Regional Library Board (Alternate Municipal Director) – No Report
- Attended the Earth Day cleanup with the Harrison Elementary School on April 19, 2023
- Participated in the Lets'emot Aquatic Centre Walk Fundraiser on April 22, 2023
- Attended the RCMP Ball at the Hot Springs Resort on April 29, 2023

Councillor Vidal

- Community Futures North Fraser Board of Directors
 - Attended a meeting on April 25, 2023
- Corrections Canada Citizen's Advisory Committee – No Report
- Kent Harrison Joint Emergency Program Committee
 - Attended a meeting on April 19, 2023
- Attended the Earth Day cleanup with the Harrison Elementary School on April 19, 2023
- Participated in the Lets'emot Aquatic Centre Walk Fundraiser on April 22, 2023

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

Councillor Buckley

- Agassiz Harrison Healthy Communities
 - Attended a meeting on April 20, 2023
- Fraser Valley Regional District Board (Alternate Municipal Director) – No Report
- Harrison Agassiz Chamber of Commerce
 - Attended a meeting on April 18, 2023
- Attended the Earth Day cleanup with the Harrison Elementary School on April 19, 2023

Councillor Jackson

- Fraser Valley Regional Library Board (Municipal Director)
 - Attended a meeting on April 26, 2023
- Tourism Harrison – No Report
- Attended the Earth Day cleanup with the Harrison Elementary School on April 19, 2023

11. MAYOR'S REPORT

- Reported that the flags were flown at half-mast on Friday, April 28, 2023 for the National Day of Mourning and that Mayor, Council, and staff had a small ceremony in front of the Village Office.
- Attended a tour of Harrison Holiday Park.

12. REPORTS FROM STAFF

- (a) Report of Operations Manager/Acting DCAO – May 1, 2023
Re: Service Agreement Deposit Refunds to Developer

Moved by Councillor Buckley
Seconded by Councillor Vidal

THAT Mayor and Council receive the Servicing Agreement Deposit Refunds to Developer report.

**CARRIED
UNANIMOUSLY**
RC-2023-05-08

- (b) Report of Operations Manager/Acting DCAO – May 1, 2023
Re: Proposed Woods Park Playground

The Operations Manager informed Mayor and Council that staff had learned earlier in the day that approximately 25 properties on Driftwood Avenue were missed during the initial mailout of notices asking for feedback on the proposed playground. He asked if Council would like to hear the report and comments that were made or if Council wished to refer the report back to staff to issue the notice to the properties missed and bring back the report to a later meeting.

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

Moved by Councillor Buckley
Seconded by Councillor Facio

THAT Staff continue with the Proposed Woods Park Playground report dated May 1, 2023.

CARRIED
OPPOSED BY COUNCILLOR JACKSON
RC-2023-05-09

Moved by Councillor Vidal
Seconded by Councillor Buckley

THAT the Proposed Woods Park Playground Report be received for information.

CARRIED
UNANIMOUSLY
RC-2023-05-10

Moved by Councillor Buckley
Seconded by Councillor Vidal

THAT the proposed Woods Park playground be referred back to staff to look into available funding and research additional options for a natural looking playground and a report be brought back for Council's consideration at the June 5, 2023 Regular Council Meeting.

CARRIED
OPPOSED BY MAYOR WOOD AND COUNCILLOR JACKSON
RC-2023-05-11

- (c) Report of Finance Manager – May 1, 2023
Re: 2022 Financial Audit Statements

Moved by Councillor Facio
Seconded by Councillor Vidal

THAT the Independent Auditor's Report be received; and

THAT the 2022 Financial Statements of the Village of Harrison Hot Springs be approved; and

FURTHER THAT the Independent Auditor's Report be attached to the approved Financial Statements of the Village of Harrison Hot Springs.

CARRIED
UNANIMOUSLY
RC-2023-05-12

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

- (d) Report of Planning Consultant – May 1, 2023
Re: Official Community Plan Bylaw No. 1184, 2022

Council agreed to postpone voting on the following two motions until they heard item 12. (e) Re: Review of the Housing Supply Act as it may affect the outcome.

Moved by Mayor Wood
Seconded by Councillor Buckley

THAT the Official Community Plan Bylaw No. 1184, 2022 be postponed until the Province of BC has finalized Bill 43.

MOTION FAILED
OPPOSED BY COUNCILLORS VIDAL, JACKSON, FACIO

Moved by Councillor Buckley
Seconded by Councillor Jackson

THAT staff be authorized to set up an open house.

CARRIED
OPPOSED BY MAYOR WOOD AND COUNCILLOR BUCKLEY
RC-2023-05-13

- (e) Report of Planning Consultant – May 1, 2023
Re: Review of the Housing Supply Act

Moved by Councillor Vidal
Seconded by Councillor Buckley

THAT the Review of the Housing Supply Act report dated May 1, 2023 be received for information.

CARRIED
UNANIMOUSLY
RC-2023-05-14

Moved by Mayor Wood
Seconded by Councillor Facio

THAT a letter be sent to the Province of BC expressing the Village of Harrison Hot Springs' strong opposition to Bill 43.

CARRIED
UNANIMOUSLY
RC-2023-05-15

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

- (f) Report of Operations Manager/Acting DCAO – May 1, 2023
Re: Emergency Sewer Repair – McCombs Bridge South

Moved by Councillor Buckley
Seconded by Councillor Jackson

THAT Mayor and Council authorize the use of up to \$100,000.00 of the Growing Communities Fund received in March 2023 to fund emergency sanitary sewer repairs at the McCombs Bridge South.

**CARRIED
UNANIMOUSLY**
RC-2023-05-16

- (g) Report of Interim CAO/Acting CO – May 1, 2023
Re: Final Approval for Council Remuneration and Expense Allowance Policy 1.16

Moved by Mayor Wood

THAT the extended benefits section be edited to say that extended benefits for Mayor and Council be paid 50% by the Village and 50% by Mayor and Councillors.

**MOTION FAILED
LACK OF SECONDER**

Moved by Councillor Facio
Seconded by Councillor Buckley

THAT Council for the Village of Harrison Hot Springs give final approval to the Council Remuneration and Expense Allowance Policy 1.16.

**CARRIED
OPPOSED BY MAYOR WOOD**
RC-2023-05-17

- (h) Report of Interim CAO/Acting CO – May 1, 2023
Re: Appointment to Kent-Harrison Joint Emergency Program Committee
See also Memo dated April 25, 2023 from District of Kent

Mayor Wood requested that the resolutions contained in the report be split in order to be considered separately.

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT Mayor and Councillors for the Village of Harrison Hot Springs approve the appointment of Tourism Harrison River Valley to the Kent-Harrison Joint Emergency Planning Committee

**CARRIED
OPPOSED BY MAYOR WOOD**
RC-2023-05-18

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT Mayor and Councillors approve hosting the August 9, 2023 Kent-Harrison Joint Emergency Planning Committee meeting.

CARRIED
OPPOSED BY MAYOR WOOD
RC-2023-05-19

- (i) Report of Interim CAO/Acting CO – May 1, 2023
Re: Committee of the Whole (COW) Meeting – June 12, 2023

Moved by Councillor Facio
Seconded by Councillor Buckley

THAT Council 'save the date' for a Special Committee of the Whole meeting on June 12, 2023 at 1:00 pm.

CARRIED
UNANIMOUSLY
RC-2023-05-20

- (j) Report of Planning Consultant – May 1, 2023
Re: Approval for a permanent Outdoor Patio Expansion Application LTK Investments LTD – dba Old Settler Pub (222 Cedar Avenue)

Moved by Councillor Buckley
Seconded by Councillor Facio

THAT LTK Investments Limited's (dba Old Settler Pub) application to the Liquor and Cannabis Regulation Branch for permanent status of their outdoor patio expansion service area be approved.

CARRIED
OPPOSED BY MAYOR WOOD
RC-2023-05-21

13. BYLAWS

- (a) Report of Interim CAO/Acting CO – May 1, 2023
Re: Indemnification Bylaw No. 1190, 2023

Moved by Councillor Vidal
Seconded by Councillor Jackson

THAT Council for the Village of Harrison Hot Springs give final reading and adoption to the Harrison Hot Springs Indemnification Bylaw No. 1190, 2023.

CARRIED
UNANIMOUSLY
RC-2023-05-22

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

- (b) Report of Interim CAO/Acting CO – May 1, 2023
Re: Highway and Traffic Bylaw Amendment No 1191, 2023

Moved by Councillor Buckley
Seconded by Councillor Jackson

THAT Highway and Traffic Bylaw Amendment No. 1191, 2023 be given first, second, and third readings.

CARRIED
OPPOSED BY COUNCILLOR FACIO
RC-2023-05-23

- (c) Report of Finance Manager – May 1, 2023
Re: Tax Rate Bylaw No. 1188, 2023

Moved by Councillor Buckley
Seconded by Councillor Jackson

THAT Tax Rate Bylaw No. 1188, 2023 be given final reading and adopted.

CARRIED
UNANIMOUSLY
RC-2023-05-24

- (d) Report of Interim CAO/Acting CO – May 1, 2023
Re: Parks Regulation Amendment Bylaw No. 1192, 2023

Moved by Councillor Jackson
Seconded by Councillor Buckley

THAT Park Regulation Bylaw No. 1150, 2020" is hereby amended by deleting under the Regulation section 4. a. in its entirety and substituting the following:

- a. a sunshade or sun canopy tent with a maximum dimension of 3.65m² X 3.65m² (12 feet X 12 feet) and a maximum height of 2.0 m that can be secured to the ground and is used for the purpose of blocking sunlight; and

THAT Park Regulation Bylaw No. 1150, 2020 be given first, second and third readings.

CARRIED
OPPOSED BY COUNCILLOR FACIO AND VIDAL
RC-2023-05-25

14. NEW BUSINESS

None

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 1, 2023*

15. QUESTIONS FROM THE PUBLIC (pertaining to agenda items only)

Due to the time being 10:00 pm, Mayor Wood adjourned the meeting without taking questions from the public.

16. ADJOURNMENT

Moved by Councillor Facio
Seconded by Councillor Vidal

THAT the meeting be adjourned at 10:00 p.m.

**CARRIED
UNANIMOUSLY**
RC-2023-05-26

Ed Wood
Mayor

Kelly Ridley
Interim Chief Administrative Officer/
Acting Corporate Officer

7(a)

FortisBC's Low Carbon Transition

Village of Harrison Hot Springs

May 15, 2023



FortisBC

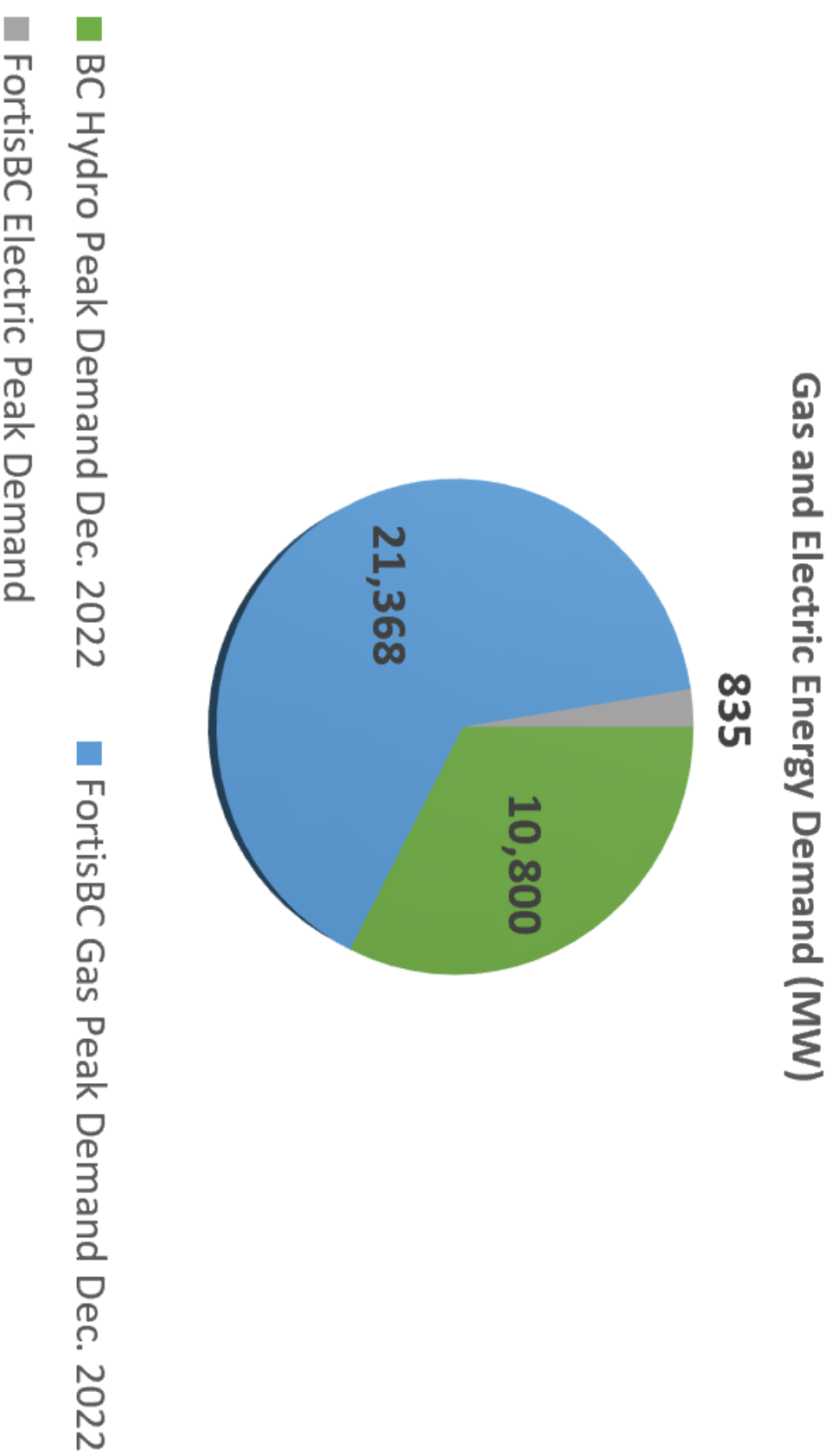
FortisBC is the largest energy provider in the province and we're putting more than 100 years of knowledge into creating a cleaner, healthier tomorrow for BC

14

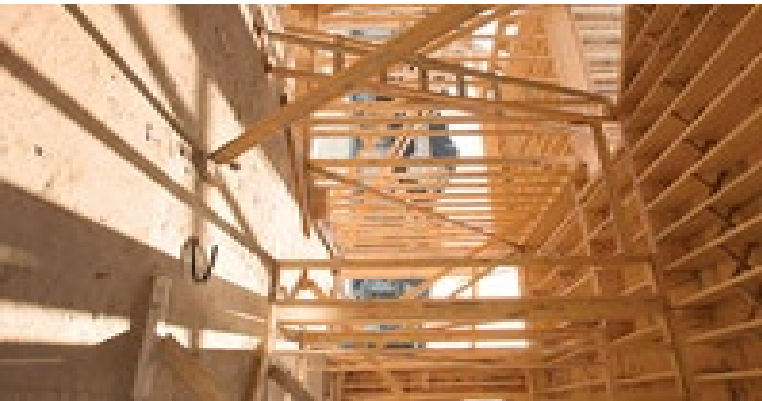
- We serve **1.2 million** customers, providing:
 - Electricity
 - Renewable Natural Gas
 - Natural gas
 - LNG
 - Propane
- We serve 135 communities across BC and 58 Indigenous communities across 150 traditional territories
- We directly employ **2,700** British Columbians



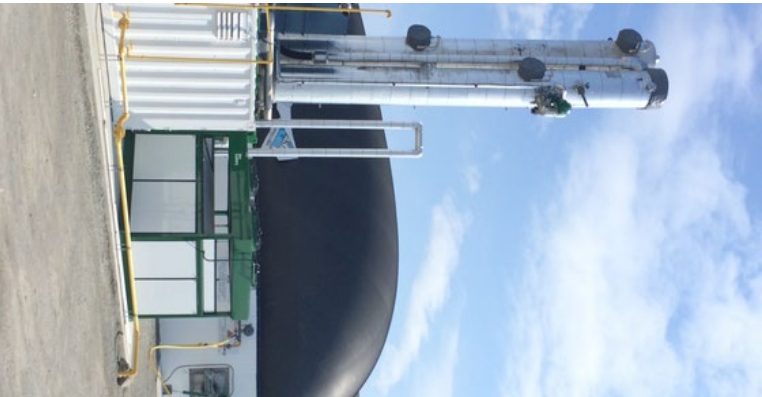
Integrated Energy System Meets Our Needs



4 Pillars of our Clean Growth Pathway to 2050



Energy efficiency



Renewable and low-carbon gases

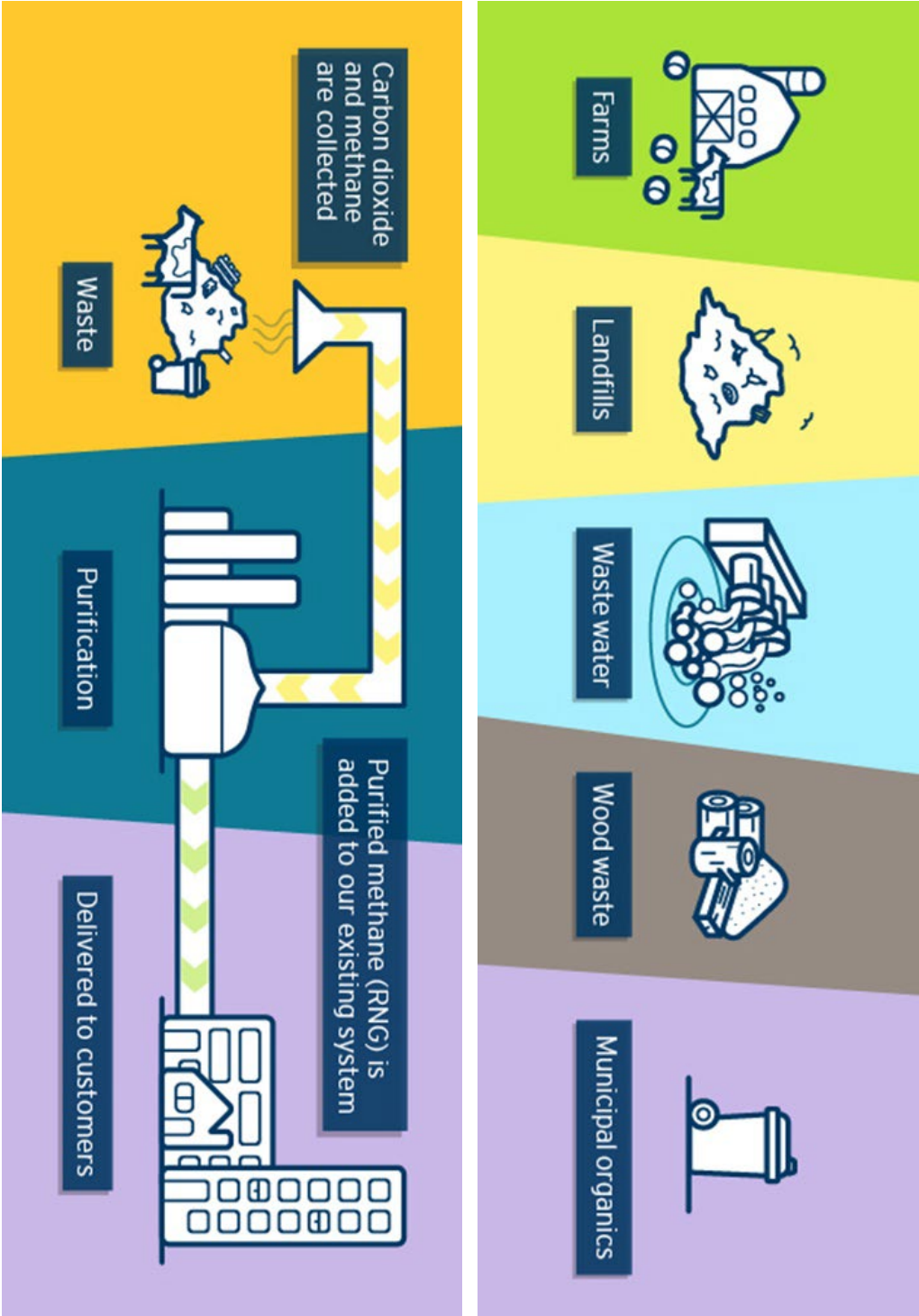


Zero and low-carbon transportation



Global LNG

Renewable and Low Carbon Gases



Emission Factors: Renewable Natural Gas has the lowest emissions

Fuel Type	CO2e (kg/ GJ)
Natural Gas	49.87
Gasoline	65.22
Electricity (BCH)	3.0*
Renewable Natural Gas	0.29
Electricity (Alberta)	222

* BCH's electricity grid emits 3 kg of CO2e per GJ when there are ample annual reservoir levels. When reservoirs are low, electricity imports increase. In 2019, overall emissions rose to 8.8 kg of CO2e.

Affordable Choice Today & Tomorrow

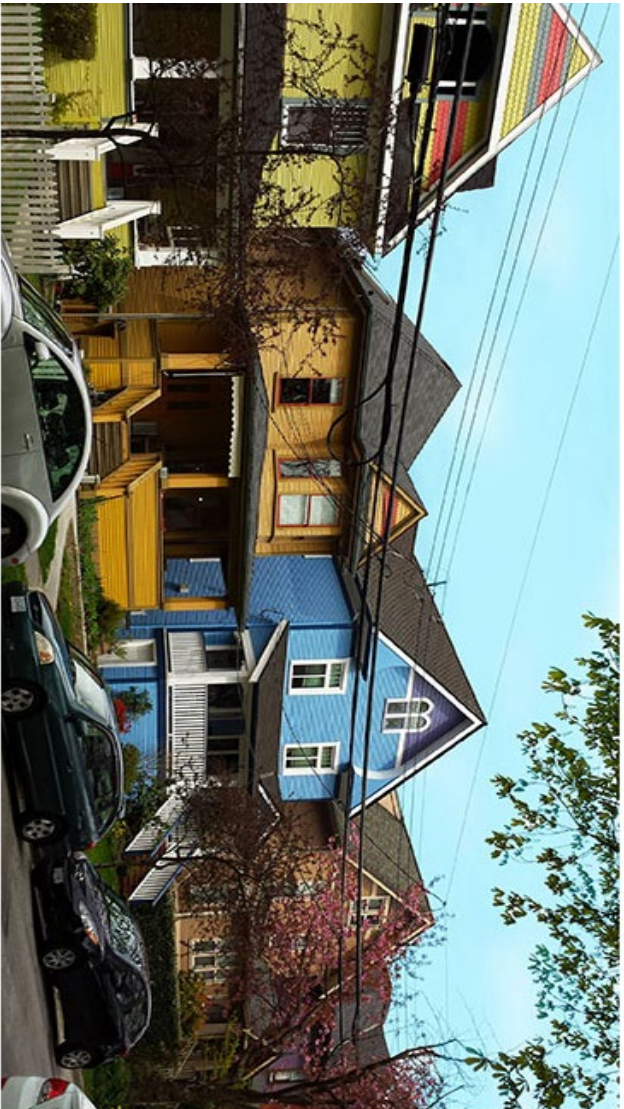
Residential gas \$/kWh price comparison



Based on rates as of January 2023. Electricity rates exclude basic charges.

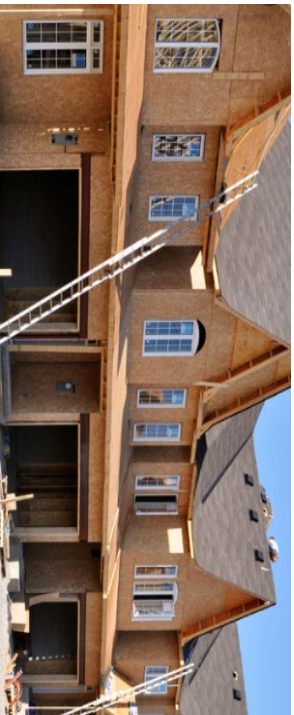
Significant Volume of Renewable Natural Gas Available

18 million gigajoules = ~ Site C Dam or enough Renewable Gas to heat 320,000 homes



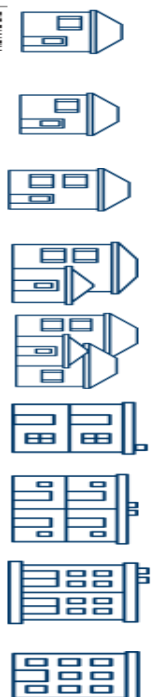
Proposed Renewable Natural Gas Program

New Homes



- All **NEW** residential gas connection customers to receive **100% Renewable Gas** for the life of their buildings.

Existing Customers



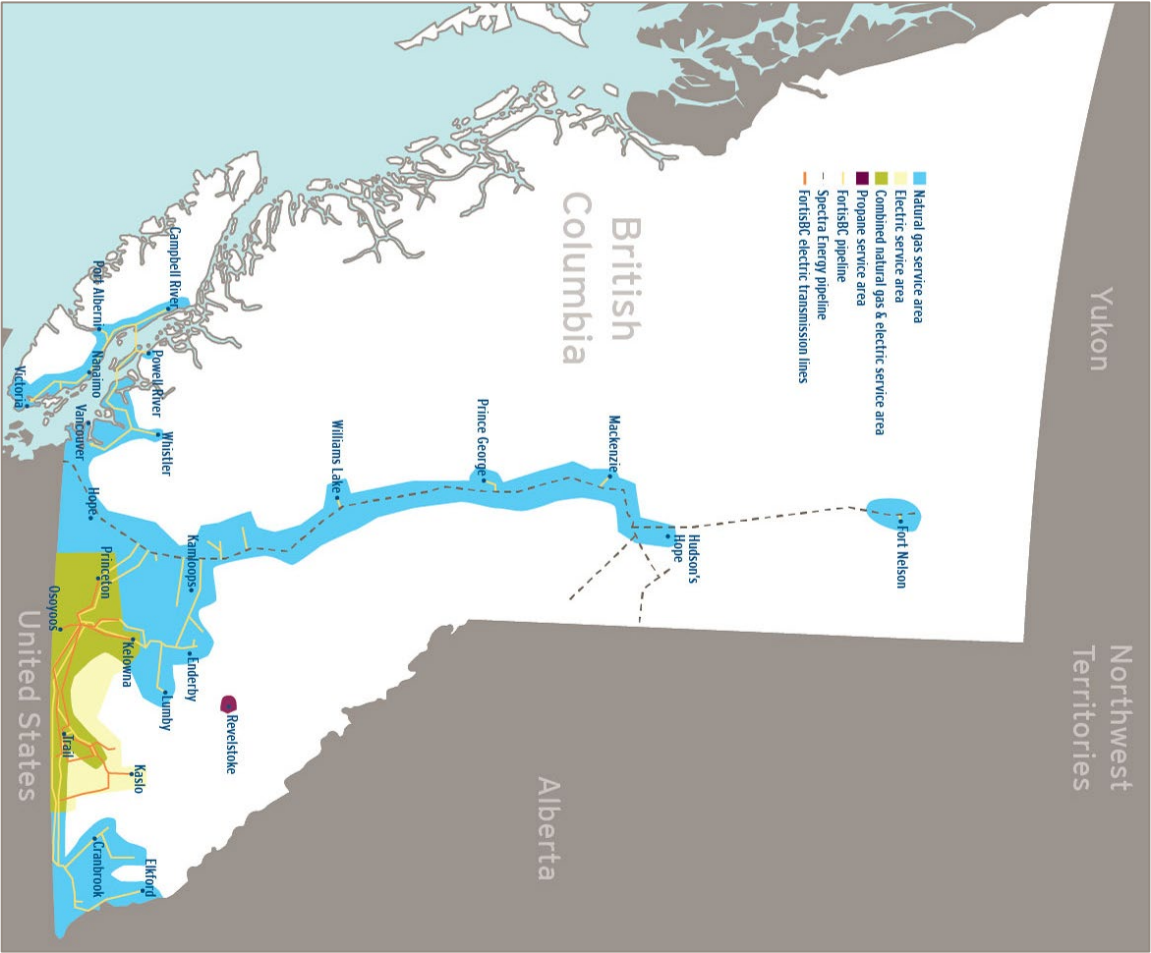
- All **EXISTING** customers to receive a blend of Renewable Gas starting in 2024.

Voluntary



- Continuation of Voluntary Blends (residential, commercial, industrial and transportation) up to 100%

Today's Gas Infrastructure is Tomorrow's Hydrogen System



Questions / Discussion



For further information, please contact:

Kim Halowski

Community Relations Manager

E: Kim.Halowski@fortisbc.com

C: 604.240.0749

Find FortisBC at:

fortisbc.com

talkingenergy.ca

604-576-7000

Follow us **@fortisbc**



To Alleviate A Human Health and A Safety Concern

REASON FOR SUBMITTING THIS DOCUMENT.

The idea of a northern driving route out of Harrison Hot Springs has been around for many years. The Provincial government had a plan for a major access road up the east side of Harrison Lake into the the Big Silver River drainage, over the height of land into the Nahatlatch drainage and out at Boston Bar where it would connect to the the #1 Highway. The Provincial government gave logging companies construction costs offsets whenever they built a section of the road. The road was completed and is still in existence but it has never become the major access route that the planners envisioned.

As harvesting timber in the surrounding areas of Harrison Lake progressed, logging roads were pushed up every valley. Sometimes, due to the lay-of-the-land, the back-end of one valley aligned with the back-end of another valley and the logging road was built connecting the valleys. Such a situation occurred twice along the eastern shores of Harrison Lake. The first being the Trout-Ruby Creek connection and the other being the Talc-Garnet connection. Both of these connecting roads system have passed into history because a critical connecting bridge was either washed away or fell into disrepair and was removed. When Sasquatch Provincial Park was created in 1968, covering the Trout Creek area, the Mahood Creek Bridge was still in use as part of the Trout-Ruby Creek Road system. However in 1981 that bridge was washed away in a torrential storm, thus cutting the connection to Ruby Creek Mainline and ending the back-door access to Sasquatch Provincial Park. Since that event, the old railway/logging road leading up to the creek has reverted back to a semblance of a vigorous ecosystem that has the protection of Provincial Park legislation.

I am not opposed to an emergency evacuation route utilizing a road in a Park. However, I am opposed to the building of this proposed road in Sasquatch Provincial Park to be used as an evacuation route when there is no compelling reason showing that the road would alleviate a human health or a safety concern. Furthermore, I am gravely concerned that the public may never get a chance to have input into the decision if the request is crafted in a manner that does not require public consultation, that is, when the Park Boundary Amendment Policy does not apply.

I am taking this opportunity to present an argument for retaining Sasquatch Provincial Park in its present condition.

Role of the Park

The Park is located in the South Coast Park Region and plays a major role within this Region. The 2017\18 Provincial Park Visitation and Revenue Report places Sasquatch Provincial Park 10th in attendance with **316,602** yearly visitors and 5th in revenue at \$ 416,825 out of the 47 South Coast Park Region listed in the report. Provincially it sits 15th for attendance and 14th for revenue out of 301 Province wide Parks listed.

In 1904 the Federal Government built the worlds largest fish hatchery at Green Point on the shore of Harrison Lake. The adjacent Trout Creek, with its spawning salmon, was one of many sources of

salmon eggs and milt used in the hatchery. This hatchery fell into disrepair in the early 40's due to the lack of man power and was burned down in 1945. In the early 50's Green Point, with it's "warm, sheltered beach was a favourite picnicking place for family parties and a camping spot for the Guides and Scouts". That area became a Provincial Park in 1958; Green Point Park. In 1968 the Province in it's wisdom set aside more Crown land and the whole complex was given the name Sasquatch Provincial Park. At present the Park covers an area of 1217 ha and has one access road.

The Role of this Protected Area as a Class A, Category 6 Provincial Park, is to "serve both the conservation and recreation roles established in the legislative mandate of the *Park Act*. Specifically, the main purposes of the park are to preserve and present to the public both the scenic and bio-diverse mixed forest and lake features and to provide camping and day use activities." "Although the protected area complements existing provincial parks in the Fraser Valley including Cultus Lake, Chilliwack Lake, E. C. Manning, and Skagit Valley, Sasquatch Provincial Park offers an environment different from any other. Its biodiversity is enhanced by both a unique mixed forest that also presents colourful views during the autumn season and small, closely nestled pocket lakes. Park users enjoy the outdoor recreation opportunities associated with this unusual combination." These statements, found in the Management Plan for the Park, are in themselves almost unbelievable considering the history of the area but they do reflect the vision of the proponents for the Park back in 1968.

The approved Management Plan for the Parks goes on to say "This plan is influenced by private lands adjacent to the park and management plans on surrounding public lands, in particular the Dewdney Provincial Forest and other provincial parks including Cultus Lake, Skagit Valley, and Chilliwack Lake. The management plan for Sasquatch Provincial Park is intended to complement these other plans and to preserve the natural environment for the inspiration, use, and enjoyment of the public.

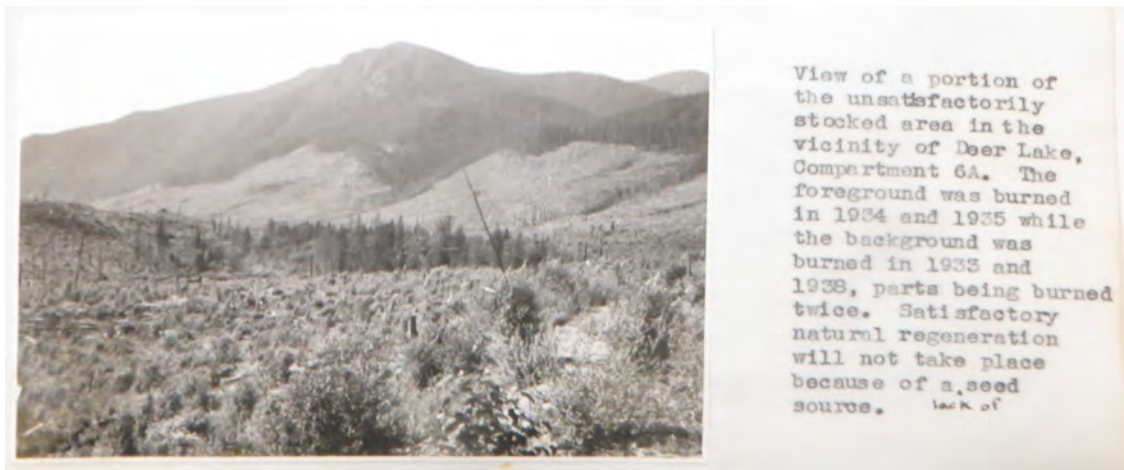
The History of the Park Area

A look at the history of the area is required to put the above purposes and goals for Sasquatch Provincial Park into perspective. A scant 37 years prior to the inclusion of the area around the Deer, Hicks and Trout lakes into Sasquatch Provincial Park, the area was in the first stages of becoming a wasteland. Commencing in 1931 a railway was built for the purpose of harvesting 'the big wood' in the valley. The railway left the lake shore , just north of Crowhurst Bay, over Trout Creek, "*past Deer Lake to the upper reaches of Ruby Creek*" with a spur up to Hicks Lake. Harvesting using trains lasted



until the cost of getting the wood to the rails was too expensive. At that time the rail was ripped up and the rail-bed was turned into a road. The use of logging trucks allowed the loggers to go further up the hillsides.

When harvesting of the valley was complete there was little of a forest left standing. Over an eight year period the the forests between Trout Lake and Ruby Creek were levelled. A 1940 report for the Harrison Drainage states that *“two large tracts of logged and burned land more recently harvested, are almost certain to fail to regenerate properly” “due to lack seed source”*. One of the large tracts of land is *“in the Deer Lake locality”*. The report list four factors that have hindered regeneration. They are: 1. *“heavy accumulations of slash leaving no suitable seed bed”*; 2. *“repeated burns have been disastrous. The second fires destroyed what regeneration had taken place as well as a good deal of the all too meager seed source”*; 3. *“In slash burning no special effort was made to prevent the fires from running into the marginal timber or other seed sources”*, and 4; *“in logging no special effort was made to leave an adequate seed source”*.



The infilling and regeneration of conifers was further retarded due to the explosion of brush and deciduous trees in the valley. However, over time the conifers have become established and in some areas have over-topped the deciduous trees. This mixed forest stand and the small lakes is the unique feature of the Park. Along with this recovering forest, most rail grades and unused roads have or are in the process of being rehabilitated by Nature.

The power of this rehabilitation is stunning. To see the plants ripping apart the old road base, to see the ditches becoming filled with debris and making pools for aquatic plants and animals, to see the blasted rock faces cracking from the elements of weather and those cracks being populated by crickets, Rubber boas and the Northern alligator lizard is truly humbling. I stand in awe having walked these trails for forty-one years and observed the process.

Specifically, the Deer Lake Trail on the north side of the Deer Lake has been under natural rehabilitation since 1981 (+-)when the old Mahood bridge was destroyed in a flood and the old logging road began the process of returning to a more natural state; 50 years after it was a railway bed. Why



now after 40 years must Natures' work be destroyed again, torn up and a bigger road be built in that location? To answer that question one must turn to a few sources.

The Non-Science and Miss-Information Behind Emergency Planning

The over riding push for this emergency evacuation road is found in a District of Kent planning document; the Official Community Plan (OCP). It states: *"One of the main emergency planning priorities facing Kent and Harrison is the establishment of an emergency evacuation route for Kent and Harrison residents and visitors along Rockwell Drive on the east side of Harrison Lake".* This initiative is driven by *Emergency Program Act, BC*. The OCP document goes on to give the need for this road to *"establish a bypass/evacuation route for traffic during a serious incident such as a wildfire or major traffic accident causing long duration traffic blockages along Rockwell Drive or the north end of Hot Springs Road."*

In justifying this plan, a past Mayor stated *"Previous road upgrading work by BC Hydro has left approximately 800 metres of road to be completed for full access out of the area and onto Highway 7",* adding that *"summer wildfires and the recent rockfall on Rockwell Drive have further proven the need for a route"*. These two statements are very good examples of the miss-information and the non-science approach to emergency planning that has plagued the process when discussing an emergency evacuation route through Sasquatch Provincial Park.

The Mayor gave miss-information in respect to which roads BC Hydro upgraded in this area. BC Hydro upgraded the roads in the vicinity of Hicks Lake only but in adding the miss-information regarding the roads around Deer Lake it makes it all sound like a more reasonable proposition. The science, in this specific case, does not support the statement that summer fires prove the need for a evacuation route being built through Sasquatch Provincial Park nor does the reference to a *'rockfall'*.

Another Mayor, after Council received a letter of support from the current Village of Harrison Hot

Springs council supporting the proposed evacuation route from Rockwell Drive to the Lougheed Highway, said *“The emergency evacuation route will increase the resiliency of our communities, and provide an emergency egress route for our park users at Sasquatch and Hicks Lake”*. (One should know that the previous Harrison Hot Springs council rejected the idea of an northern emergency route as they saw no event in their community that would warrant the need for one and did not offer support to the District of Kent in their effort.) Resiliency of a community is not a factor in determining whether building a road through a Park to alleviate a human health and a safety should be undertaken. Such a notion infers long term use of the road which goes beyond an emergency time frame and allows delinquent actions by the community planners to continue to exist. Community resilience is a three part approach to planning. It is the sustained ability of a community to use available resources to respond to, withstand, and recover from adverse situations. I have a picture in my head of the gates thrown open to equipment and supplies to rebuild the roads, houses and infrastructure and the movement of people, running in and out of the Park after an emergency event. This should not be the use of a road through a Park which our mayor has in mind when she said *“The emergency evacuation route will increase the resiliency of our communities.....”*

Another official stated *“Depending on where the event happens, whether it be an environmental emergency, whether it’s an earthquake or a fire or a flood, or even a man-made emergency, like a hazardous material spill ... the access to the Village of Harrison Hot Springs is compromised [and] they need a second way out.”* Again this was just rhetoric ramblings with no solid risk analysis completed to support their conclusions.

Our PEP Emergency Program Coordinator said that *“The evacuation route has been a priority of the Kent-Harrison Joint-Emergency Program for more than 20 years and if either Hot Springs Road or Rockwell Drive were impassable”*. The Coordinator also said *“It is also valuable to consider the historical occurrences of events in the area. Since I became actively involved with emergency response in the District, this area has been isolated several times. In 2013, a wildfire cut off Rockwell Drive close to the Killer’s Cove Marina for several hours. Last year, Hot Springs Road was closed between Golf Road and McPherson Road due to downed power lines after a vehicle struck a power pole. In February this year (2020), Rockwell Drive washed out and was impassable for days. On Tuesday, Rockwell Drive was again cut off due to downed power lines near the Bear Mountain Forest Service Road for well over 5 hours”*. In another conversation the Coordinator stated *“What options are available to allow emergency services such as the police, fire department, and ambulance service to access the area when the primary access is cut off. Additionally, it is important to have a second means of egress in order to evacuate the area should there be an interface fire, hazardous materials incident, or other event that makes it unsafe to evacuate using existing roads”*.

Gathering together the stated reasons for building an evacuation route through the Class A Provincial Park we have the following list of non-science and miss-information bits that is driving this proposal:

1. serious incident such as a wildfire or major traffic accident causing long duration traffic blockages;
2. summer wildfires and the recent rockfall;
3. will increase the resiliency of our communities, and provide an emergency egress route for our park users at Sasquatch and Hicks Lake;
4. if either Hot Springs Road or Rockwell Drive were impassable

5. wildfire cut off Rockwell Drive close to the Killer's Cove Marina for several hours;
6. due to downed power lines after a vehicle struck a power pole;
7. Rockwell Drive washed out and was impassable for days;
8. Rockwell Drive was again cut off due to downed power lines near the Bear Mountain Forest Service Road for well over 5 hours;
9. to allow emergency services such as the police, fire department, and ambulance service to access the area;
10. should there be an interface fire, hazardous materials incident, or other event that makes it unsafe to evacuate using existing roads,
11. an earthquake or a fire or a flood, or even a man-made emergency.

In summarizing the stated reasons for punching a road through Sasquatch Provincial Park and impacting upon the process of healing that Nature has been doing for 40 years, one sees that there has actually been a major traffic accident, a rockfall, a downed power line, a washout of road, and a wildfire. The duration of blockage along Rockwell Drive for these actual occurrences ranges from several hours for the wildfire, to 5 hours for downed power lines, to several days for road washout.

The question is do these events and the possibility of similar future events, require a road being built through a Class A Provincial Park to alleviate a human health concern or alleviate a safety concern? Or would the events be classed as minor irritating transportation disruptions that occur once in a while when you have chosen to live on a dead end road and should the means for over coming these annoying minor transportation disruptions rest with the individuals who have made the choice to live in such a location.

Science behind Emergency Planning

The Province, in its wisdom, created the Provincial Emergency Program (PEP) and laid out the framework for emergency planning. As their website states a "*Hazard, Risk, and Vulnerability Analysis (HRVA) is the foundation for any community emergency plan*". They go on to say the "*HRVA is a process to identify hazards that have the likelihood to cause an emergency or disaster*". It also assesses consequences should the emergency or disaster occur.

Understanding vulnerable locations, or areas at risk, helps the community to establish priorities. Appropriate plans and strategies to prevent or reduce the risk are then developed.

Evaluating risk is a mandate in Section 2(1) of the [Local Authority Emergency Management Regulation](#). Local Authorities need to prepare emergency plans to reflect their assessment of the relative risk of occurrence, and the potential impact, of emergencies or disasters on people and property.

The District of Kent did undertake a Hazard, Risk, and Vulnerability Analysis process and from this analysis a Community Wildfire Protection Plan (CWPP) was deemed required. In 2017 one was completed. Our PEP Coordinator said to me "*Community Wildfire Protection Plans are the only studies that have been done to date that are related to a specific hazard.*" There are a series of geotechnical reports specific to one area, where a rockfall occurred on one lot on Rockwell Drive, but these reports are not available to me until legal implications are resolved. However, the DoK 's Annual Report for 2018 reads that BGC Engineering Inc. is recommending installation of a mitigative structure, a ditch and a berm, with a followup of acquiring the property, designing and engineering the defensive

structure then constructing it.

The Community Wildfire Protection Plan 2017

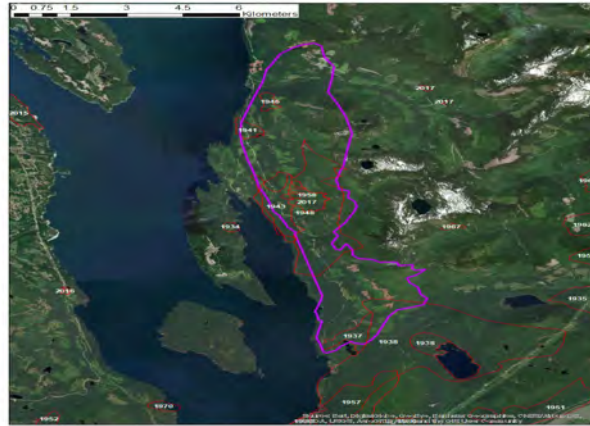
We should look very critically at this CWPP report since the purpose of the CWPP is to identify the wildfire risks within and surrounding the DoK, to describe the potential consequences if a wildfire were to impact the community, and to examine options and strategies to reduce the wildfire risks.

It must be stressed, that the authors of the DoK CWPP through their analysis **did not specifically recommend**, contrarily to popular belief, an evacuation route through Sasquatch Provincial Park. The idea of a route through the Park has been an on going push by the DoK for many years (at least 20 years, as noted above). The author of the CWPP, in Recommendation #39, stated that the DoK and the “*Village of Harrison continue to work with relevant Ministries and stakeholders*” to complete this route. They also do not include any mention of moving 10,000 people over this route as the DoK has proposed numerous times. However, they do state the route “*will provide an **alternate evacuation route** for residents along Rockwell Drive as well as visitors to the park and surrounding areas*”. It is important to keep in mind the words “*an alternate evacuation route*”. The authors thoughts in using the word ‘*alternate*’ would indicate that they believe there is a first choice evacuation route; that being, Rockwell Drive heading south. It is this first choice evacuation route that will reduce the wildfire risks to residents of Rockwell Drive when ‘*fuel treatments*’ to the forest along this road are undertaken.

The authors state on Page 7, as an opening remark, that “*the majority of past wildfire activity within the AOI (Area of Interest) was human caused*”. From this observation one could conclude that instead of spending a large sum of money on new road and bridge construction, year round road maintenance and fuel reduction on treatment areas within the Park the money could go towards educating the residents and hiring a fire warden to monitor the recreationists and others so as to reduce the 87% human caused fire ignitions occurring within the AOI. Reducing the ignition incidents will greatly reduce the risk of fires and eliminate need for destruction of part of a Provincial Park.

In the same opening remarks they say “*slash accumulations following industrial logging can be an issue next to forest service roads*”. I have concerns with this statement as the authors do not say what the ‘issue’ is but they have put the seed of fear into any reader of the document. What is the issue? Is there documentation of fires starting in this slash? Are they a visual eyesore? Or is it a spot-fire intensity issue if ever a fire burnt through the area? My experience with burning logging debris piles is that you require jellied gas or rubber tires and a lot of time to get a fire started in debris piles. The inclusion of such a statement in a technical report is very poor communication and very misleading.

On page 8, the authors state that the largest fire to burn within and adjacent to the District AOI occurred in 1958, with an estimated area of over 3,052 ha. This large fire is again referenced on page 49 under the topic of Provincial Strategic Threat Analysis, section 4.2.4 Fire History. When one looks closely at Map 4, one sees that it also includes the fires of 1933, 34, 35 and 38 around Deer Lake. These latter fires are the same fires referenced in my opening history of Sasquatch Provincial Park. Today the same areas (outside of the Park) are a mosaic of small cut-blocks, young plantations, second growth stands and deciduous patches that are not conducive to the spread of a wildfire. These fires should be eliminated from the analysis because ground conditions today are totally different and will never be duplicated in the future. Including this fire must severely bias the analysis.



We should note that the author of our DoK WFPP erred when saying that Seabird Island Band is a woodlot licensee. They do not hold a Woodlot Licence and therefore do not hold harvesting rights under a woodlot licence. A mute point but it does reflect the accuracy of this report.

The authors of the WFPP have the wind direction wrong during the critical time of a forest fires' life. Their analysis is using wind data that is not local enough. As a result, the wind at the hottest time of the day when forest fires 'run', is blowing from the wrong direction. How it effects the analysis I do not know but putting people in front of a running forest fire (on Rockwell Drive) is a recipe for disaster.

Harrison Lake is noted for its wind. In-fact so much so that it has become a centre for wind surfing. The following information is copied from the “Harrison Windsports - Kiteboarding and Windsurfing Breakwater Beach Information”

“Wind: The prevailing winds on Harrison Lake blow from the South on most sunny summer days, the blue arrow on the above map. The wind speed usually averages 15-25mph. The best winds occur during May through August when the weather is sunny and clear. The hotter it is in the BC interior, compared to the BC coast, the windier it tends to be. One of the easiest ways to check the wind is to look at the Harrison Windsport website which has a live wind meter; however the meter does read a significantly lower than the actual wind speed on the lake (ie. 7- 10mph on the meter often means a good 15-20mph on the lake). You can also watch the forecast for Vancouver and Merritt/Lytton, if it looks to be more than 5 degrees Celsius warmer in Merritt/Lytton than Vancouver there is a good chance of wind on Harrison Lake that day. It is often calm on the lake in the morning, with the wind beginning to blow in the early afternoon and lasting to early evening.

The CWPP for the DoK says “During the fire season (April – October) winds from the northwest dominate in the afternoon (12-6pm)”. This statement is based upon data generated at the Haig Camp weather station (page 54 CWPP). The area of the DoK which this does not apply, which is outside of “the area of the weather station”, is the area from Strickers Corner on Hot Springs Road to the northern boundary of the DoK on Harrison Lake. The 'prevailing' winds in that area do, as the *Harrison Windsports - Kiteboarding and Windsurfing Breakwater Beach Information* states, “blow from the South” in the hottest times of the day when forest fires usually make their run.



Windsurfer catching afternoon off shore winds from the south.

Knowing this local wind pattern, if there was a fire along Rockwell Drive it would be foolhardy to evacuate residents, vacationers or campers along Rockwell Drive into a forested area (Sasquatch Provincial Park) that is classified as one of the areas that “*represent the highest wildfire behaviour potential and greatest risk to values within the Kent AOI*”. (page 59 CWPP). And in the same breath, a fire burning north of the Rockwell Drive, in the cooler morning, would cover this area with thick heavy smoke, and, as the authors state on page 90 of the CWPP, “smoke and poor visibility can further complicate evacuations and hinder safe passage”.



Pictures of 5 recent fires on Harrison Lake showing wind blowing smoke northward in the afternoon during the hottest times of the day and when most forest fires make their 'run'. I believe it would foolhardy to put people in the path of any fire burning in the area of Rockwell Drive or leave people in the smoke of an up-wind fire. I believe the authors of the DoK CWPP have incorrectly analyzed the critical winds in Harrison Hot Springs and on Rockwell Drive.

The CWPP Results

After 58 pages of describing the process, describing the local area, local history, pointing out values at risk and running the data, the local wildfire threat is determined. “The study area is 1% extreme threat class rating, 7% high, 40% moderate rating ...” The areas that represent the highest wildfire behaviour potential and greatest risk to values within the Kent AOI are areas of high and extreme threat class in the Mount Woodside area, the Federal prison and Cemetery Road area and in the forested area between Harrison Lake and the Fraser River and east of Harrison Hot Springs.

I am quite embarrassed that our elected officials and paid employees would even consider that this CWPP would be the basis for making a decision for punching a road through a Provincial Park. The risk management and mitigation strategy generated by the authors in respect to the local wildfire threat and fire behaviour along the Rockwell Drive corridor are quite adequate. Reducing the hazardous fuels and applying FireSmart strategies “is a key element of wildfire risk reduction”. Following the wildfire risk management and mitigation strategy will build a more resilient community which is quite different than what our mayor sees as a resilient community: build an evacuation route through the Park.

The areas identified as proposed treatment areas, outside of Sasquatch Provincial Park, and other important fuel treatment opportunities along Rockwell Drive I believe should be undertaken. Rockwell Drive is the “first choice for the emergency evacuation route” for residents living on this road as determined by the authors of the CWPP. Reducing hazardous fuels within 150 m of either side of the road, where possible to increase public safety and improve emergency access, is a good prescription. It will create a safe southward route away from one of the classified areas that “represent the highest wildfire behaviour potential” and the treatments will not impact upon the Park.

It should be noted that the CWPP only identifies Treatment Areas #5 and #9 for a total of 170.4 hectares within the Park. These two areas, being within the DoK, are described within the CWPP. However, if this route were to be approved, to make their CWPP actually functional, the road outside of the DoK, but still within Sasquatch Provincial Park, would have to be treated. I estimate that this would be an additional 175.0 hectares for a grand total of 345.4 hectares of treated Park land. In fact the authors of the CWPP believe emergency evacuation routes should be two lane roads (page 90, CWPP - “Access and evacuation during a wildfire emergency often must happen simultaneously and road networks should have the capacity to handle both.”) so as to allow for emergency vehicles coming in while the evacuees are going out which would make the actual disturbance in the Park greater yet again. This is an interesting point because the consultant who determined the best route for the evacuation road and estimated the costs set the design for the road at a width of 5m (page 6 of the consultants report), which would not meet the suggested criteria for the emergency evacuation road the authors of the CWPP believe is required. However, on page 10 of the consultants report, the consultant identified a section of road that will have to be much wider than 5 m for safety. (“View of narrow road section near 1+200, will require shifting road into cutslope for 10-15m to create safe road width”.) Add another 5m for the recommended evacuation requirements and the ditch width then we have our own Trans Canada Freeway in our Provincial Park, a Park that was established to to preserve and present to the public both the scenic and bio-diverse mixed forest and lake features. Also, following this train of thought, one would expect the bridge to be designed for two lanes?

In total the Fire Smart Treatment areas within the Park, to make the evacuation route feasible, could total up to 345.4 hectares.

On page 37 of the CWPP section 4.1.3 describes the trends in climatic change and the climatic

projections for the Fraser Valley through the lens of impacts on the possibility of forest fires. However if one changes that perspective and looks at those climatic changes and projections through the lens of impacts upon the proposed evacuation route through Sasquatch Provincial Park we gain a very clear picture of the forecasted problems that the permanent evacuation route will endure. The authors of our CWPP did not look at the evacuation route from this perspective nor did the consultant who recommended this route.

If your focus is on locating a safe and viable evacuation route, then both failed. There is no mention of the expected increased frequency of the natural disturbance events impacting negatively on the existing road. These increasingly expected natural disturbance events they failed to mention include storm events, including catastrophic blowdown and damage to trees from snow and ice and increased winter precipitation (which) may result in slope instability, mass wasting, and increased peak flows.

The road through Sasquatch Provincial Park has in the past, is currently, and will in the future be facing these natural disturbances in a increasing frequency. It is the nature of the geography of the valley, the stand structure, age of the forest and logging history in and outside of the Park that will contribute to the increasing frequency. When these natural disturbances occur there is a very high probability that the road will be impassable. If a natural disturbance event were to occur at the same time as there is a need to evacuate people over this road (which is highly probable) that evacuation will not happen or will be severely delayed.

Harrison Hot Spring's CWPP

The Harrison Hot Spring CWPP is mostly a cut-and-paste document of little value. For example the author states on page 28, when referring to the Village's AOI, that “forest harvesting occurs on provincial crown land within the AOI. Poor slash hazard abatement practices have been attributed to some operations which can lead to high fuel loading along roadsides.” A search on [imapBC](#) does not show any harvesting cutblocks within the AOI nor any road for harvesting. However, they also say “It was reported from BCWS (personal communication) that most fire activity in the Village AOI has occurred due to re-creationists leaving abandoned campfires, and using cut blocks for target practice.” So I guess some where within the area of the Village of Harrison Hot Springs there is a person sitting on a stump beside a logging road shooting a gun in a cutblock for target practice. When I asked the Village where this cutblock was they said I would have to ask the authors of the CWPP.

Living on a Dead End road – self resiliency

The other night we had one of those super rain storms that are becoming the norm now-a-days. It caused a tree to loose its rooting bond with the earth and it toppled. In doing so it took out a power-line and put the east side of Agassiz Town site into blackout. No lights, no heating, no water (most people in Agassiz are on wells) and no Internet. Yesterday during the Heat Bubble my wife and I were on our way to the Park for a dip in the lake. Rockwell Drive was blocked. A vehicle took out the drooping power-lines (extreme heat caused). The point being is that we live in a very complex, technology dependant world. We have pushed the limits of depending upon others to keep us connected, safe and sound. However, we are told to have emergency supplies for surviving on our own for three plus days. I really think that if you live on a dead-end road (like Rockwell Drive) then you must take responsibility for your own welfare. I don't believe we, the people of the Province, should damage a Provincial Park just to keep someone comfortable. You enjoy the isolation then you should have the

means to survive for a period of time cut off or have the means to get around the road blockage.

Traffic Disruptions

I would like to believe that emergency planning personnel have looked at options for ingress or egress by emergency services (aside for residence living on Rockwell Drive unable to go to work or shopping) due to minor transportation disruptions. We know Kent-Harrison SAR, the RCMP, industrial operators and vacationers continually access random points along the shores of Harrison Lake by the use of boats. It is very obvious that with a helicopter base in Agassiz one could hire a helicopter or two or three to move people. For that matter float-planes have been landing and taking off from Harrison Lake since the late 40's and on the beach-front in Harrison Hot Springs there is a designated wharf for those float-planes. With a little pre-planning and thought, the Joint Kent Harrison Emergency could designate meeting sites along Rockwell Drive for each of the three small subdivisions. The Green Point parking lot, Rockwell Park 1 or Park 2, or the foot of Dogwood Lane in the Thunderbird subdivision could be utilized by boats, helicopters or planes to remove evacuees to the Harrison beach wharf or designated helicopter landing sites in Agassiz or Harrison Hot Springs.

An outrageous example, given by the District officials on an ongoing basis to support their need for an evacuation route, is the blockage of Rockwell Drive due to a interface fire in August 2013, where a resident could not return to her home to get her medicine. Could she have not gone to one of the two pharmacies in Agassiz or the numerous ones in Chilliwack and had her prescription filled? Could she have not hired a helicopter to fly to some location on the other side of the fire where a neighbour or friend could pick her up? Or could she have hired a boat to take her to a dock near her house? Such action could alleviate a human health or safety concern (if there was one) and would not contribute to the argument for destroying part of a Class A Provincial Park.

In respect to a hazardous materials incident, one would think that a Hazard, Risk, and Vulnerability Analysis (HRVA) would have been undertaken and a Hazardous Community Protection Plan covering a hazardous materials incident likelihood would also have been done. I guess if one was to do one they would look at the risk from long haul truck tankers and the rail-tankers. We all know that long-haul tankers could contribute to a hazardous materials incident but having one steep road grade (Highway #7 Mount Woodside) and one major rail crossing the likelihood of a hazardous incident stemming from an accident on them is probably very low. The rail-tankers could also be an issue but we all know that the rails are directional 99% of the time. Right of the top we know that a risk of a dangerous good incident occurring in the DoK has decreased by 50%. Does this reduced risk warrant building a road through a Provincial Park?

A HRVA study may shed more light on these issues and result in a Hazardous Material Community Protection Plan showing the need, or no need, to evacuate 10,000 people out along Rockwell Drive and through Sasquatch Provincial Park and thus support or refute the repetitive reason given to support the destruction of part of a Provincial Park.

The issue of a rock slide along Rockwell Drive is always brought up as a supporting reason for building an emergency evacuation road through Sasquatch Provincial Park. However, when such an event, the blocking of a road, is looked at through the lens of addressing alleviating a human health and safety concern, the actual rock slide event fails to pass the test. The 'event' is not a safety concern. The safety concern is prior to the event occurring. The District of Kent has addressed this issue in hiring a professional engineering firm who "has produced eight reports to date, with the final report recommending installation of a mitigative structure". "Acquisition of the required property to build the

ditch and berm is ongoing with the property owner by a contracted land negotiator.” Considering that the District has approved the construction of multiple houses along Rockwell Drive it goes to stand that there must be a very low foreseeable safety concern and the blockage of the road for a period of time is the District's real concern.

Systemic Poor Transportation Planning

The issues around evacuation for a interface fire, a hazardous materials incidents or other events that makes it unsafe to evacuate using existing roads, require a detail look at. Access routes may often double as evacuation routes as well. Identification of emergency evacuation routes within the community boundary is a local government responsibility.

Hot Springs Road (#9 Hwy) could be designated as such. However, on a hot summer weekend late in the day when all the visitors are heading back down the Valley the traffic is at a stand-still, bumper to bumper, from the lake shores in Harrison to the junction of Hot Springs Road and #7 Hwy in the District of Kent. The surrounding roads, like McPherson Road in Harrison Hot Springs and Golf Road in the District of Kent are also jammed packed with vehicles as people search these back roads to avoid Hot Springs Road. If an evacuation were required, no evacuation could physically occur.

That being the case and if the councils of the District of Kent and the Village of Harrison Hot Springs were serious about the movement of people out of this area then they should have addressed transportation issues while approving plans for increasing the population. Why has the DoK not pursued developing more routes on the flat farm land? Our OCP, in the transportation section, says they should. The councils for DoK had very tough decisions to make and never addressed them. I believe that both communities failed in not seeing the real access problem in their communities. In failing to do so, they are now willing to have others carry the burden. They have targeted Sasquatch Provincial Park and think nothing of destroying part of the Provincial Park to meet their needs.

This may sound a bit harsh and off-the-cuff but they have said they are looking at the possibility moving “Harrison residents and holidaymakers on the beaches or in Sasquatch Provincial Park, a total of an estimated 10,000 plus people” over Rockwell Drive, through the Sasquatch Provincial Park and down a logging road to #7 Highway. By their lack of foresight and poor planning for the increasing population, they now say that there now exists human health and safety concerns and to alleviate the concerns they say the only solution is to build a road through the Park. The idea of moving 10,000 individuals over that route in an emergency is ridiculous and is contributing to the non-science of emergency planning.

Let us take a look at what that evacuation would look like.

In total, it is roughly 20 km from Harrison Hot Springs to the Loughheed Highway: 6.4 km on the narrow, cracking, slumping and winding Rockwell Drive, 7.1 km over the pot-holed dirt main road through Sasquatch Park and then a short 6.3 km down the steep, dirt, bumpy, active logging Ruby-Loughheed Forest Service Road.

A mid-size sedan parked in Harrison Hot Springs(Mercedes, Lexus, Buick, Audi, Mitsubishi Toyota, Honda Fit) (not to mention the motor-homes) has 4 people in it which equates to roughly 2,500 vehicles. If they are travelling on the evacuation roads described above, they would probably be spaced about two car lengths apart because of dust or snow, and being on average 4.620 m long there would be a line of cars 34.7 km long. If that line of vehicles were travelling at 20 km per hour it will take the first car an hour to reach the #7 Hwy. . The last car would be leaving Harrison Hot Springs an hour and 45 minutes later and reach the #7 Hwy, 2 hours and 45 minutes after the first car. God forbid

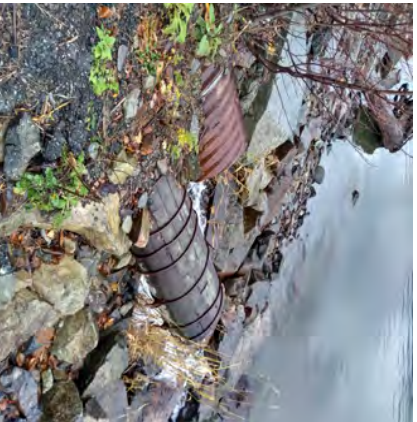
someone gets a flat, goes slower than expected, or meets an emergency vehicle coming up the FSR. If the evacuation was required due to a hazardous incident those evacuees sitting an hour and 45 minutes in their cars waiting to head out probably would not be in any condition to drive.

Their planning does get worse! The engineering study the DoK commissioned states that there are two options for crossing Mahood Creek; build a new bridge or connect to the existing up stream bridge. This idea is hog-wash for the consultant states in his report that the new road construction has an “average grade of 10-14% (which) could be difficult for some passenger vehicles”. I guess that means there is a strong likelihood that some of the vehicles carrying some of the 10,000 people would not make it up the hill. That could create one real traffic jam. Considering that the RFP contained the statement that the route “must provide a safe egress (for those 10,000 people) during an emergency evacuation” one should question the validity of the whole report. Yet the DoK accepted this report.

The DoK OCP states that Rockwell Drive is designated as a Provincial Highway. One would then presume that the responsibility for up-keep and maintenance is a Provincial responsibility spurred on by the DoK, as the DoK has continuously approved housing starts along Rockwell Drive and owners need a road to get to their homes. Since the road is in deplorable condition, I would suggest that the DoK has failed in its efforts to “maintain a framework that allows for the safe and efficient movement of people and goods and it has also failed to “integrate transportation with land use to provide for a well-connected community”. Both of these being policies are found in the OCP for the DoK.

For the DoK to now want to identify Rockwell Drive as an emergency route for the movement of up to 10,000 people during an emergency would be derelict in their authority. At any time this road could be blocked by a minor event which could turn the emergency into a disaster. The DoK should be locating and building new roads leading southward.

Antiquated culverts



Collapsing culvert outlets



Exfoliating rock faces



Structure and maintenance issues found along Rockwell Drive.

It is not my position to determine an emergency evacuation route for the DoK nor for the Village of Harrison Hot Springs but I would like to draw your attention to planning aspects made by the DoK that I believe impact negatively on Sasquatch Provincial Park. The District of Kent is in favour of giving up scarce top growing agriculture land for housing development however, in the same breath, they do not want to give up agriculture land for a road.

Anyone looking at a map of the DoK can easily come up with four routes that if put in place would give quick and easy ingress and egress into the Village of Harrison Hot Springs without touching Sasquatch Provincial Park.

The bottom line is that the District of Kent has failed in their transportation planning and now want the access through Sasquatch Provincial Park to cover the failure.

Flood Possibility

I have not seen any report held by the DoK that shows the possible inundation in regards to flood conditions and the need for an evacuation route out of the community. Does a HRVA for floods exist?

The following is taken from the Fraser Freshet Master Plan, June, 2011. The plan may be well out of date and may not reflect, as the authors of the CWPP note in the DoK's CWPP, page 37, that the “increased frequency of natural disturbance events is expected to occur as a result of climate change” and may result in “increased peak flows”. The Fraser Freshet Master Plan show that low sections of Rockwell Drive are in the flood plain. Will those sections be under water or impacted in such a manner that vehicle movement over the road will not be feasible when the peak flows in the Harrison watershed occur?

As I write Rockwell Drive has traffic restrictions placed upon it. No trucks are allowed to drive over it. due to high waters in the Lake undermining the road base. (July 3, 2021). I wonder what type of issues would arise moving 10,000 people over this road under these conditions.



High water freshet



July 3, 2021 – High temperatures

The same Fraser Freshet Master Plan, June, 2011 also shows that the Ruby-Lougheed FSR connection to the Haig Highway is in the flood plain. Will the connecting road be impassible during a climate induced peak flow of the Fraser River? Are there other low spots on the #7 Highway that make it impossible for evacuees to get to Hope or the Agassiz town site.

Earthquake Possibility

We know from recent findings that earthquakes have occurred in the area of Harrison Lake. We also know there is a probability that they could occur in the future. Areas on Mount Breakenridge have been identified as possible avalanche sites and have been studied by Emergency Management BC. There are two identified geological fault lines in the area of the proposed evacuation route. One runs through the the Thunderbird Estates (up the Thunderbird Creek). The other runs through Sasquatch Provincial Park in a northerly direction 200 meters west of the sani-dump on the main road through the Park.

This second fault line is located in the same area which Onsite Engineering Ltd. in their Technical Memorandum No.1 looked at for a possible evacuation route. In respect to this specific area they said “ This new road would continue east, be approximately 1.2 km long, and run through 40-60 % slope terrain with multiple signs of terrain instability and 3 steep-banked gullies containing potential debris flow streams that would require engineered structures”. They rejected this route as a possible evacuation road. The road would have been 550 m northwest of the Sasquatch Provincial Boundary.

I agree with their analysis except for 5 words “ containing potential debris flow streams”. The 'potential' has turned into “active”. The debris flow of December 2014 occurred in this area and blocked the Sasquatch Main Road. I was told it was a natural event that triggered the debris torrent. (I believe it was a torrential downpour not an earthquake) The area above the Main Road is unstable. The debris torrent did reach and block the Sasquatch Park Main Road. The next debris torrent may be initiated by a torrential downpour or possibly an earthquake making the road impassable again.



We were lucky this time in that the road blockage was relatively minor and no individuals were injured or killed by the event. Why would Onsite Engineering Ltd. not reject this lower route which lies in the deposition area of the debris torrents and in the area of a fault line?

Earthquakes in the Harrison Lake area could cause landslides to occur into the lake. These landslides could cause tsunamis on the lake. The low lying sections of Rockwell Drive may not be passable if hit by a tsunami. A debris torrent or a rock avalanche could come down Thunderbird Creek and block access on Rockwell Drive. Would it be better to keep people off Rockwell Drive and have them move southward ?

Understanding The Importance Of and The Impacts On The Park

Sasquatch Provincial Park 2002 Management Plan

“Park management will be directed towards conserving the natural and cultural values found within

the park, while providing a variety of compatible outdoor recreation activities. As such, the principles of conservation management in Sasquatch Provincial Park will emphasize managing human activities and associated impacts to prevent or minimize degradation of natural ecological processes and cultural features.”

“Manage non-conforming tenures to meet the conservation and recreation objectives of the park.”

I believe that when proposing road building within a park, the proponent must have a good understanding of their proposed actions upon the Park. During discussions on the original proposal (evacuation route) in 2014 by the DoK, piggy-backing on the proposal from Seabird Island Band, the District said the road would be a “*small trail*” while knowing that it would be a full blown road. A flippant remark like that, I feel, reflects the lack of respect, care and concern for a Provincial Park. Recently, the DoK accepted a report from the consultant doing the first phase of work for the new proposal. The following is from TECHNICAL MEMORANDUM NO. 2 , Onsite Engineering Ltd.:

“At this time, limited field ribboning was completed to not bring the project to the public’s attention” and also *“Overall the vast majority of the reconstruction work is straightforward that any typical forest road contractor can easily complete with minor oversight.”* I must say that it is my Park and any work done in it is paid by my tax dollars therefore it should be brought to my attention and the attention of every other tax payer.

Trust is an important factor when building infrastructure in a Park. Trust that things will be done correctly. When the new power lines were put in by BC Hydro a few years back the public put trust in BC Hydro to do a good job when up-grading designated roads in the Park for utilities access. The following photos show what the park users are left with.



The first picture shows road stabilization material half buried in the road way. There are numerous locations like this in the vicinity, all waiting for a deer or some other animal to get tangled up in. The second picture shows the remains of sediment retention cloth which are very unsightly and totally non-functioning. Again, a possible trap for some animal in the Park. The third picture is a collapsing road shoulder. One must wonder if the culvert is working properly or if it is collapsed and the site is waiting for a climatic event to take out the road and deposit it in the lake.

One of the most extreme insults to the Park has been the mismanagement of water by non-conforming tenures. Water in the forest is pulled on by gravity. The nature of the land-forms causes the water to be

concentrated into streams which eventually flow into the lakes. These streams are used as pathways into and out of the forests by many creatures. The destruction of these pathways leads to the slow death of the ecosystem in which they are found. The following pictures show the cheap way to install road infrastructure and is the first step taken to kill the ecosystem.



Improper culvert installation can be seen at most every water crossings. There is no up-stream armouring of cut-banks, the down-stream culvert openings are horrendously elevated and the down stream armouring is absent. The lack of proper up-stream armouring allows for the banks to collapse causing infilling of the culverts which then leads to plugged culverts. The lack of up-stream armouring causes a “cliff” to form which restricts the movement of aquatic animals. Elevated down-stream culvert openings stops all aquatic movement up-stream. Improper down-stream armouring makes it difficult to impossible for aquatic animals to move up-stream.

Another very important aspect of water is its movement in soils. There is always a down-slope movement of water in the soils. Some of the water is captured by roots other water produces very damp sections that specific animals utilize. When a road is made through a forest this water flow is disrupted. The ditches capture the water and direct it towards a culvert and and concentrates into a new creek. The down-side forest slopes are put into a state of induced drought. Due to the climate changes such as concentrated periods of rainfall, the droughts will become more severe and of longer duration.

The section of old road proposed for rebuilding, the Deer Lake Trail, has gone through a 39 year period of re-establishing the water flow on the down-slopes of the old road. Why would we want to set back this healing process and re-introduce a down-slope drought?

Such historic and on-going examples of disrespect for the ecosystems within the Park does not give me confidence that further road construction will be any better. Will the conservation of the natural values found within the park be undertaken? I think not. The standards recommended by the professional do not address the armouring of the up-stream nor the down stream banks around culverts. Furthermore, there is no recommendation for open bottom culverts or for retaining the slope of the creeks. The recommendation made for the culverts is “*Minimum cross fall 0.04m/m without super elevation.*” (“*These guidelines are meant to assist in fulfilling these obligations by providing guidance to members who have professional involvement in specific roads and crossings. They are intended to establish standards of practice that members should meet to fulfill professional obligations, including the duty to protect the safety, health, and welfare of the public and the environment.*”)

If the proposed evacuation route gets put in place it must function as an evacuation route year round.

At any moment during the year, day or night, summer or winter, the road must be accessible. That is the concept of an evacuation route. Therefore road maintenance must be continuous and prompt. The road must be passable spring, summer, fall, and winter.

Currently “*the Park is open to public access year round*” with winter camping at Deer Lake from October 14 to March 28 but it does get closed. For example this year I have monitored the Park's web site and have recorded the following:

- *This park is currently closed...Effective Date: December 22, 2020 Park closed due to snow until further notice.*
- *2021-02-01 Sasquatch Provincial Park remains closed at the moment, due to some fallen trees at the entrance.*

These closures will never happen again. The snow will be removed as it falls, the fallen trees removed as they hit the ground; for an evacuation route must always be usable. These historic short periods of no vehicles, which are a recovery time, a relaxed time, a less stressful time for the Park, will never happen again. The Park will suffer from the loss.

Presently the road, with the **316,602** yearly visitors over the main road, is graded twice or three times a year, I believe; once in the spring, and again maybe twice in the summer. It is an old road and has minimal surfacing material. During the time between each grading the road is a minefield of potholes. Driving speeds for most vehicles is kept to a minimum. Resurfacing and continuously grading the road will change that. Park visitations will increase and the vehicle speeds will increase. This increase in speeds will cause the surface gravel there is to be flung off the road. The road will require resurfacing and grading on a increased frequency. As a comfort and safety measure the roads will have dust suppressants applied more frequently.

This continuous loss of surfacing and application of dust suppressants will negatively impact upon the water systems in the Park.

One must also understand that the Park is not the only occupant of the watershed. The logging activities on the slopes above the Park significantly contribute to the impacts upon the watershed. The road building contribute enormous amounts of sediments into the water courses which eventually end up in the lakes and streams within the Park.

Feasibility of evacuation route through the Park

In 2017 I submitted a report pinpointing and describing possible geological and biological issues along the proposed evacuation route that could be blocking access when needed. Those issues are still there and I have identified more.

The most recent issue I have seen is a direct result of a timber harvesting operation in recent years on the south facing slopes of Slollicum Mountain immediately above Sasquatch Parks' main access road north of Trout Lake. Roads for harvesting timber were poorly put-to-bed and now the torrential rain events have caused side-slopes to fail. The displaced soil material, newly upturned trees mixed with the logging debris has been deposited in a stream channel and is moving down to the Sasquatch Provincial Park access road. At some point in time, during an extreme climatic event probably when the road is most needed, the debris will be covering the Park access road.

I have not walked all roads above the Park to determine how extensive this concern is but it would only take one blockage to terminate any evacuation plans.

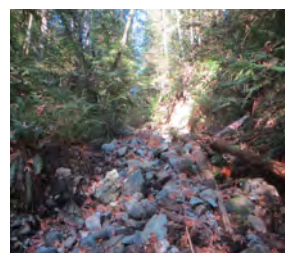


The old Harrison East FSR roadbed washout #1



Roadbed washout #2

This section of road is part of the old Harrison East FSR and the water from these channels goes through a culvert just up-road from Trout Lake on the Sasquatch Park main access road. An interesting aspect to this debris movement down the creek is that there are numerous older logging debris deposit working there way down the stream channel. A good flush will, at some time, cause havoc on the Sasquatch main access road.



In stream debris above Trout Lake, Sasquatch Provincial Park main road.

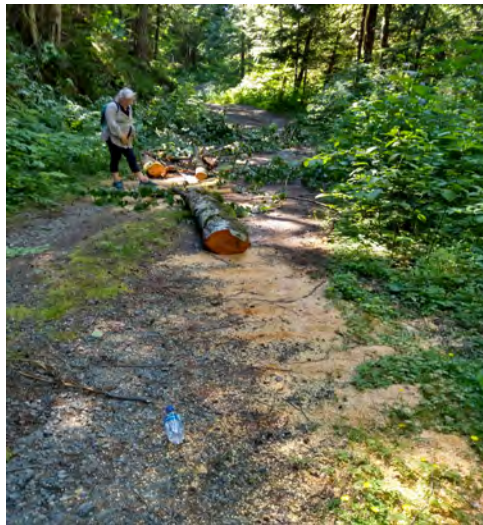
In my previous document I identified active fluvial fans with perched up-stream debris. These fans are located east of Mahood Creek(outside of the Park) on the up-hill side of the old/current logging road. Timber harvesting in the drainage has resumed which will increase peak flows in the creeks and will

negatively impact upon the Ruby-Deer Lake FSR..

Impact upon the Park

Sasquatch Provincial Park is not in a unique situation in having one entrance/exit road. Park entrances far from constant patrol create insurmountable problems for a Park. As a DoK councillor said, when discussing the issues around opening of the dikes to the public, *“hanging signs up will not stop unacceptable behaviour”*.

An un-monitored gated entrance will be a dumping ground for human garbage, industrial waste, plant clippings and an easy access point for those wanting to get into the Park. One only has to look at the existing entrance to see the toll on the environment by disgusting behaviour of individuals. I came upon an individual dumping his yard clippings at this point. When asked why he told me that *“it is allowed”*. I believe that because there was so much garbage already there he took that to mean it was allowed to dump ones yard waste there. My latest encounter was on the Moss Lake access road which starts deep within the Park and runs out of the Park to utilities rights-of-way. Individuals used a Park gate key to help themselves to a few trees for firewood. The unauthorized cutting in itself is a relatively minor issue but the inappropriate use of an issued gate key is a major issue that puts the integrity of the Park at risk.



The truth of the matter is that there are a few existing routes into the Park. The old Harrison East FSR and the Hydro road off Kamp Road on Seabird Island . I have on a number few occasions met people on cross-country motor cycles on the trails in the Park. On those occasions they came up the Kamp Road access. I have seen tracks, but not the actual quad vehicle, on the old Harrison East FSR within the Park.

I have caught people picking mushrooms within the Park and they came in on the existing main road. Giving those people access to the Park and its resources, by way of an isolated access point, would be extremely damaging to the Park.

Presently, at the east side of Mahood Creek on the old rail grade (the proposed evacuation route) there is a unauthorized bush camp being enlarged. Tree cutting, fire building, target practice, camping, garbage dumping and drinking are the current activities held there. I do not think that providing easy access to the Park for these individuals would be advisable.

It is well known the elk have migrated into the Park seeking shelter from harassment by humans which occurs in areas further up the Harrison East FSR. A secluded non-monitored entrance into the Park could expose the elk to harassment and easy poaching.



Pressure from other potential road users

I would assume that both BC Hydro and Enbridge have gate keys to the main gate located at the northern end of Rockwell Drive, the Hicks Lake gate and Moss Lake gate. In fact they are probably the same gate key for all three gates. If (and only if) the evacuation route were to get built I would expect they would have a gate key to the proposed gate on the east end of the evacuation route, somewhere near Mahood Creek.....just in case of emergencies or regular use?.

I can imagine a situation where they are working on the lines at the power station and have a problem up at Moss Lake and must quickly get there they would proceed through the Mahood Creek gate. It is only reasonable to do so. They would only be driving a total of 5km rather than driving 40.5 km down to the #7 Highway, along to Agassiz, then onto Harrison Hot Springs, out along Rockwell Drive, up the Sasquatch Park road to Moss Lake gate. Their justification would be their existing access agreement. In the end the “only an emergency access road “ will become a industrial operational road.

In fact the consultant raised this point also in his report. He said “Consideration should be made to restricting access for emergencies only although allowing industrial use of the road could help to alleviate logging truck traffic through the streets of Harrison Hot Springs. However, this would then push the traffic adjacent to the Lakeside Campground.” Although he mentioned in his report that BC Hydro and Enbridge use the logging road down to the #7 Highway he failed to recognize that they would really enjoy having a new access route into the Park also. I believe there would be continuous non-ending pressure to allow gate access by BC Hydro and Enbridge and very soon Parks would have to give in to their demands. On the other hand the authors of the DoK and Village of Harrison Hot Springs CWPPs states in their recommendations that both Dok and the Village of HHS “continue to work with ...BC Parks...Seabird Island Indian (*Band*) (holders of a woodlot licence adjacent to

Sasquatch Park ((*incorrect*))....BC Hydro.... Enbridge (operating a line station at Ruby Creek)....to complete a second means egress route” (ie through Sasquatch Park). I can not see any industrial operator being denied access if they worked with BC Parks to establish this route.

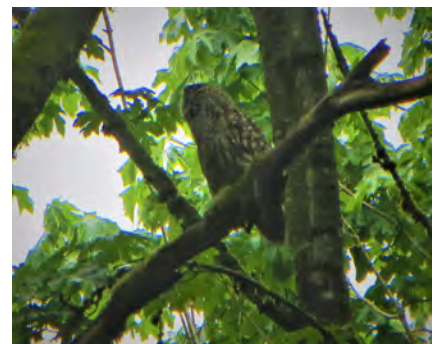
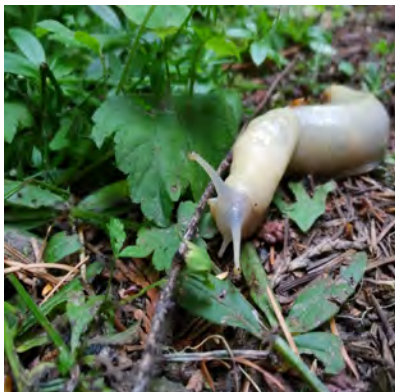
Presently the grading of roads in the Park is resulting in sediment flowing into Deer Lake, Hicks Lake, Trout Lake, Trout Creek and Mahood Creek (all main waterways within the Park) which is destroying the habitat for freshwater molluscs and other aquatic animals and plants. Siltation and eutrophication is increasing at an alarming rate.



Trout Lake suffering from induced eutrophication

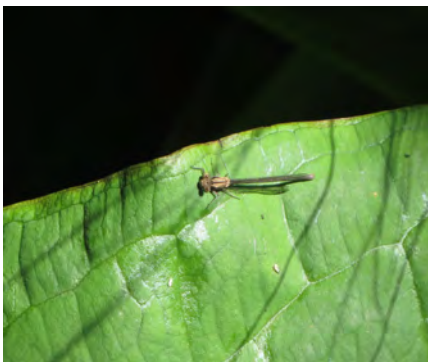
Who is in the Park?

A list of Red and Blue – listed species recorded within the AOI is found on Pages 28 and 29 in the DoK CWPP, Table 5. How many of the "listed species are located in the Park is unknown as the Park does not have a list of all species found in the Park. The current Management Plan for the Park talks about a such a list but the list cannot be found. This knowledge gap of knowledge is the strongest reason for not proceeding with this road proposal.





There must be other species in the Park that have not made the list and that we do not want to see on such a list. For example, in my wanderings in the Park I have come upon a Rubber Boa.



Conclusion

The questions to be answered are 'is there a human health and safety concern' and if there is, is this proposed road a viable option?

I do not believe that the District of Kent or Harrison Hot Springs have shown explicitly that there is a human health and safety concern in our community to warrant building a road in Sasquatch Provincial Park and I believe they have based their premise on one faulty Community Wildfire Prevention Plan. I believe the evacuation route they have chosen is not a viable option and believe there should be a public consultation meeting during which they present their case.

Sasquatch Provincial Park was established to to preserve the natural environment for the inspiration, use, and enjoyment of the public. The environment has been working for 40 years at rehabilitating a road that was used to extract wood from the area. It is time to support the environment.



Thank you,
John Coles
Agassiz
2021-07-08

“Don't it always seem to go That you don't know what you've got till it's gone? They paved paradise and put up a parking lot. “ Joni Mitchell


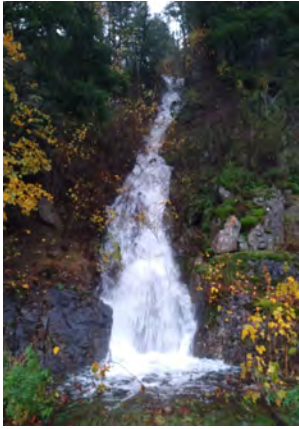


Postscript: February 30, 2022

The following photos capture 'some' of the devastation heaped upon Rockwell Drive and the Sasquatch Provincial Park road during the November 2021 Atmospheric River event. When viewing the photos remember the predictions made by BC Agriculture and Food, Climate Action Initiative March 2012: “Climate changes in BC that are contributing to an increase in wetter conditions and flood risk include:

- Increasing average spring and autumn rainfall in many areas
- Increasing frequency and intensity of extreme precipitation events.”

Rockwell Drive

By comparing a picture of a normal October flow with pictures of an extreme precipitation event, one can see the limits of this road as an acceptable evacuation route. The first set of pictures were taken on Rockwell Drive just north of the the breakwater in the District of Kent.

			
Oct. 23, 2021	Nov 15, 2021	Nov 15, 2021	Nov 15, 2021
Normal Creek Flow	Extreme Precipitation Event	Extreme Precipitation Event	Extreme Precipitation Event

Further along Rockwell Drive.

			
Oct 26, 2021	Nov 15, 2021 Event	Nov 15, 2021 Event	Nov 15, 2021 Event

Further north on Rockwell Drive, past the residential dwellings, at Trout Creek, prior to the February 5, 2020 rains, one would have seen Trout Creek flowing through the corrugated culvert. However, that culvert plugged with debris on the February 5th rain event and the creek carved a new channel. The bridge seen above the old corrugated culvert was put in to span the newly located creek bed. The next Atmospheric River rain event of Nov. 15 2021 took out that bridge.

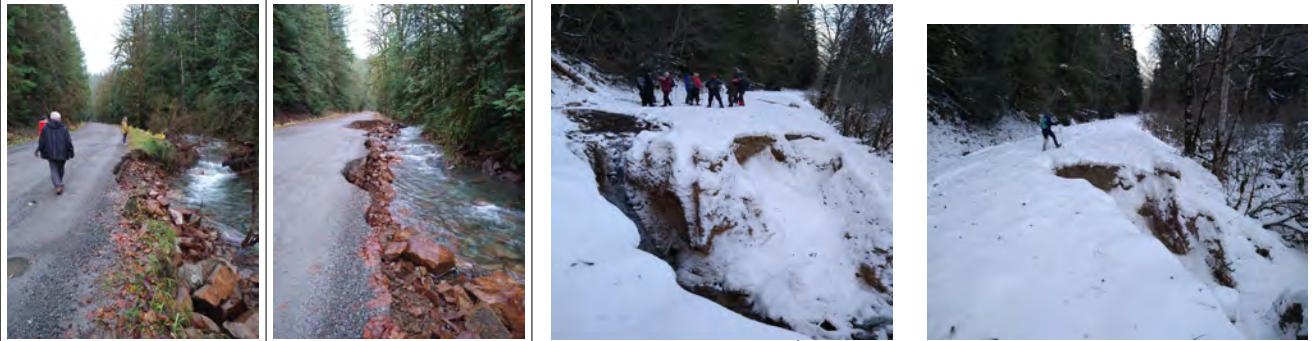
			
Feb. 5, 2020	Nov 15, 2021 Event	Repairs In Progress	Final Repairs

Up stream of these culverts is a very large log jam waiting to come down.



Sasquatch Park Road

The road in Sasquatch Provincial Park suffered major damage also. The damage seen in the pictures below, does not tell the whole story. There are numerous cracks in the road indicating possible water caused damage to the road base. The last picture is probably the most telling of the potential for blockages along this road. A relatively small debris torrent, probably originating in the known unstable mid slope above the road, is indicative of the hazard in this stretch of road.



I have not done a reconnaissance of the road beyond the Hicks Lake turn-off, including the Deer Lake Trail nor any sections of road beyond the Park. Once the snow goes allowing access, it will be interesting to see the condition of the perched debris along the Ruby-Deer Lake FSR.

District of Kent and Harrison Hot Springs Joint Emergency Evacuation Route Proposal Post Script #2

Dated 2022- 05-01

Proposed evacuation route east of Sasquatch Provincial Park – FSR-----?

In 2017 I submitted a document to BC Parks that identified issues along the proposed evacuation route. A few days ago I was able to walk the section of road east of Mahood Creek which lies outside of Sasquatch Provincial Park. This section of road is an active logging road.

My 2017 document identified potential issues around the feasibility of this road as a possible evacuation route as I found elevated debris material up stream from two log culverts. I felt that this elevated material would dislodge and move down stream blocking the use of the road in the event of a torrential rain storm.

The torrential rain storm of Nov 2021 did move the material down slope and took out the wooden culverts and destroyed the road. My visit to the location was after a machine had opened the road again for logging traffic.





File 0400-20

May 8, 2023

Office of the Premier
PO Box 9041
STN PROV. GOV'T
Victoria, BC
V8W 9E1

Dear Premier Eby:

Subject: Opposition to Bill 43

I write to you today from the beautiful Village of Harrison Hot Springs. As the Mayor of Harrison Hot Springs, I wish to voice and have recorded, my Council's unanimous opposition to Bill 43.

In addition to potentially causing significant problems for community safety, livability and impede local government's decision making, this legislation does not consider the different conditions/circumstances that each municipality faces. This legislation is being presented with a 'one size fits all' approach, I can assure you, this is not the case for Harrison Hot Springs.

How will the housing targets be defined? Our Council's concern is that while the legislation offers consultation and persuasion as the focus during the initial stages, the Province has the option to use compulsion. If the local municipality and the Province have a difference in opinion as to what the best interest of the community is, this bill will ensure the Province's viewpoint will prevail. This hardly seems fair.

One of the Village's biggest concerns is, that the Housing Supply Act grants the Province the ability to change the course of land use planning within municipalities by issuing permits and creating/passing zoning bylaws without addressing any municipal concerns.

Furthermore, the wording of the Housing Supply Act indicates a Housing Target order may only be overturned where it can be proved it is arbitrary, issued for an improper purpose, based upon irrelevant factors, or it failed to follow the statutory requirements of the Act.

Municipal Office: P.O. Box 160, 495 Hot Springs Road, Harrison Hot Springs, BC V0M 1K0
E info@harrisonhotsprings.ca W www.harrisonhotsprings.ca
T 604 796 2171 F 604 796 2192

How does the Province propose to address impacts to local infrastructure, the cutting of trees, potential traffic flow volumes, local facilities and buildings such as schools or the provision of emergency services? Are there any exemptions to pre-zoned areas? How will housing targets relate to current Official Community Plans and regional planning?

The legislation will create additional issues with resources and staffing for the smaller communities.

Finally, this legislation is a significant shift away from the *Local Government Act* and *Community Charter* regulations which provide for planning management and land use. Authority, being the responsibility of local governments to plan and shape their communities, has been taken away.

Again, I wish to reiterate the Village of Harrison Hot Springs Council's utmost opposition to Bill 43.

Yours truly;



Ed Wood
Mayor

Cc Honourable Ravi Kahlon, Minister of Housing PO Box 9074, STN PROV FOVT, Victoria, BC V8W 9E2

Admin

From: Mariah Mund <mariah.mund@EmPlanS.ca>
Sent: May 9, 2023 4:29 PM
To: tyrone.mcneil@stolotribalcouncil.ca; jlum@fvrd.ca
Cc: Gillian Fuss <gillian.fuss@EmPlanS.ca>; dcarlson@wcel.org; lina@watershedwatch.ca; Dianne Garner <dianne.garner@EmPlanS.ca>; erica@shiftcollaborative.ca
Subject: Regional Floodplains Resilience Meeting with First Nation, Federal, Provincial, and Local Governments

To Mayor and Council,

In collaboration with the Chair of the Fraser Valley Regional District, Jason Lum, we cordially invite you to the 'Lower Fraser Floodplains Forum' for discussion on a regional plan and process for floodplains resilience in the Lower Fraser with other leadership and key staff from First Nations, Local, Provincial, and Federal Governments.

Our intent is to establish a more collaborative and principled approach to flood resilience in our region. We hosted a regional forum in July 2022 where participants agreed to work and collaborate together and on the need for a more regional approach. This year, we will identify regional priorities to inform a regional roadmap for floodplains resilience, as well as continuing to build awareness, capacity and place-based relationships to implement the [5 principles](#) discussed last year in the lower Fraser region.

This meeting will be held at the Sq'ewqeyl (Skowkale) S.A.Y. Health and Community Centre from 8:30 am – 4:00 pm on Friday, June 9th 2023.

Please RSVP to the Lower Fraser Floodplains Forum through Eventbrite: <https://www.eventbrite.com/e/lower-fraser-floodplains-forum-tickets-605070380797>

The invitation is attached for your review.

We look forward to seeing you on June 9th.

Sincerely,

Tyrone McNeil
 Stó:lō Tribal Chief
 Chair of the Emergency Planning Secretariat

Sent by:
 Mariah Mund
 Resilience Coordinator
 Emergency Planning Secretariat
 Housed at the Lower Fraser Fisheries Alliance (<https://www.lffa.ca/>)

Email: mariah.mund@emplans.ca
 Mobile: 778-995-8324
 Address: 3092 Sumas Mtn. Rd. Abbotsford B.C. V3G 2J2
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Invitation to the Lower Fraser Floodplains Forum: Towards a Collaborative & Principled Approach to Flood Resilience

May 8th, 2023

To: Chiefs and Council of First Nations of the Lower Fraser
Mayors and Council of Lower Mainland Local Governments

The November 2021 atmospheric river and flooding events, and their aftermath, were devastating and exposed our region's shared vulnerability to these, and future, climate-related events. We have the opportunity, now, to proactively work together to build our flood resilience. In July 2022, the Build Back Better Together Collaborative (now the Lower Fraser Floodplains Coalition or LFFC) brought together 16 First Nations, 14 local governments and representation from the Union of BC Indian Chiefs to discuss a strategic, principled approach to long term flood resilience in our region. Then-Minister Farnworth and federal and provincial staff were present to listen. At that time, attendees discussed five principles that could provide a foundation for working together, and noted that we need a proactive plan, with actions and milestones, aimed at reducing risk rather than responding to each new emergency as it strikes.

Since July 2022, there has been work at the Province to develop new approaches, including the creation of a Ministry of Emergency Management and Climate Readiness. Many of you have had further experience with recovery funding and measures, and engaged in evaluation and dialogue with your communities about short- and long-term needs for flood resilience. The LFFC has been analyzing options for next steps toward a regional plan and process, based on the input received at the July 2022 Forum, while also holding discussions with provincial agencies, other leadership, and communities in the region.

We invite you to a second forum, the "Lower Fraser Floodplains Forum: Towards a Collaborative & Principled Approach to Flood Resilience" on **June 9, 2023** from 8:30am to 4:00 pm. Guests include leadership from Local Government and First Nations, representation from Provincial and Federal governments, including Minister Ma (EMCR, confirmed), and several agricultural associations. Drawing insights from last year and the work that has happened since, this forum will focus on developing a regional road map for flood resilience. We will discuss and identify priorities for regional action to end the day with clear and immediate action steps. The forum will include listening and dialogue to continue strengthening relationships across governments, recognizing that how we work together is equally as important as the priorities themselves. It is important that we do this work in a good way, guided by the United Nations Declaration on the Rights of Indigenous Peoples in the shared landscape of our region.

The Forum is funded by the Ministry of Emergency Management and Climate Readiness and Indigenous Services Canada. Technical support is being provided by the organizations whose logos appear above. The July 2022 forum report can be found [here](#).

[Please RSVP here for the June 9 2023 Lower Fraser Floodplains Forum by May 26 2023](#)

We look forward to seeing you on June 9.
Sincerely,



Tyrone McNeil, Chair of the Emergency Planning Secretariat



Jason Lum, Chair of the Fraser Valley Regional District



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 15, 2023

FROM: Tyson Koch
Operations Manager/ADCAO **FILE:** 0810-20-05

SUBJECT: Public Works Buildings – Vermiculite Abatement

ISSUE:

Both Public Works Buildings (Woodshop/Lunchroom and Mechanics Bay) attics contain vermiculite that requires removal.

BACKGROUND:

Vermiculite (asbestos) is a naturally-occurring mineral composed of shiny flakes, resembling mica, that is a light-weight, fire-resistant, and odorless material that was used as insulation in the attics of the Public Works Buildings. If undisturbed, vermiculite poses a very low health risk however to eliminate any risk of exposure, it is recommended it be removed by a qualified asbestos abatement contractor.

In 2018, Section PS 3280, Asset Retirement Obligations (ARO), was issued by the Public Sector Accounting Standards Boards (PSAB). ARO is defined as a legal obligation associated with the retirement of a tangible long-lived asset in which the timing or method of settlement may be conditional on a future event, the occurrence of which may not be within the control of the entity burdened by the obligation. Implementation of this new standard is a requirement of the PSAB, and it is not optional.

Investigation and evaluation work of all Village assets in 2021/2022 identified vermiculite in the Public Works Building as an ARO and, if disturbed, a potential health risk so it was included in this year's financial plan as a projected value at \$30,000.00. However, staff underestimated the value of work. The new estimate for the vermiculite abatement is approximately \$45,000.00.

Village staff contacted five (5) asbestos abatement contractors to provide a quote, only two responded. PCS Pre-Construction Services responded with the most competitive bid.

RECOMMENDATIONS:

THAT Council authorize the addition of \$15,000.00 to the initial budget of \$30,000.00 for the Public Works Building vermiculite abatement project at a total value of \$45,000.00 to be funded from Public Works Reserves; and

THAT Council award the Public Works Building vermiculite abatement project to PCS Pre-Construction Services at a value of up to \$45,000.00.

Respectfully submitted:

Tyson Koch

Tyson Koch
Operations Manager/ADCAO

REVIEWED BY:

Scott Schultz

Scott Schultz
Chief Financial Officer

REVIEWED BY:

Kelly Ridley

Kelly Ridley
Interim CAO/ACO

REPORT TO COUNCIL

TO: Mayor and Council

DATE: May 15, 2023

FROM: Tyson Koch
Operations Manager/ADCAO

FILE: 6130-01

SUBJECT: Off-Leash Dog Park

ISSUE:

Consideration of an off-leash dog park.

BACKGROUND:

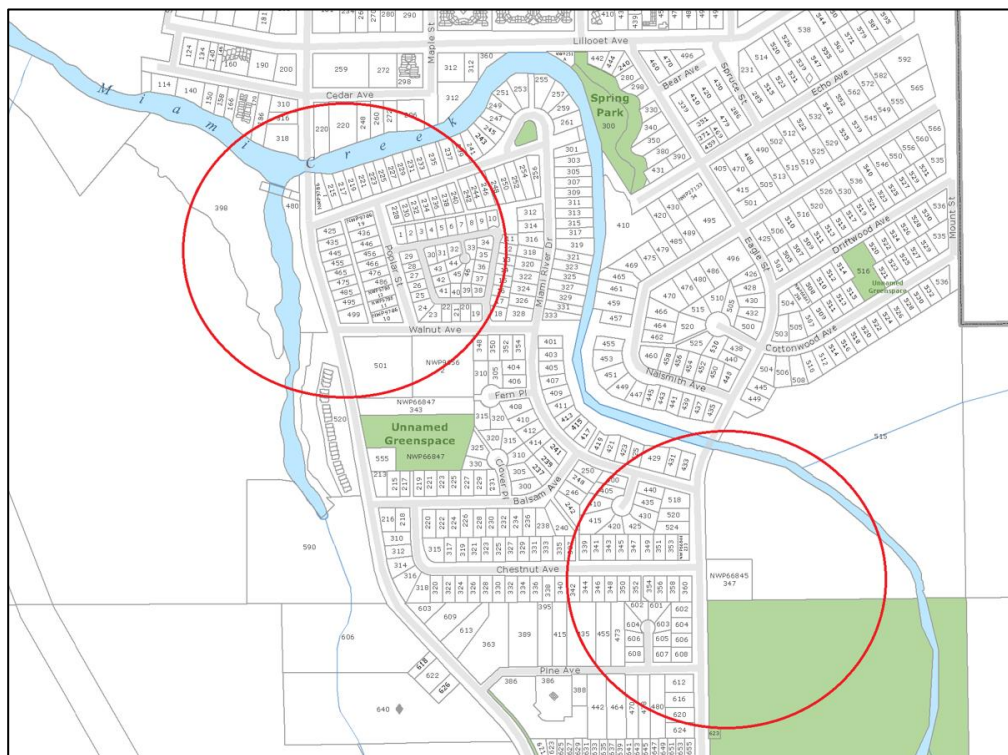
At the January 27, 2023 Committee of the Whole meeting, Council passed the motion:

THAT staff seek further public engagement and canvas adjacent properties for both proposed Off-leash Dog Park locations.

DISCUSSION:

Public Consultation:

At the request of Council, staff issued a public notice to residents adjacent the proposed dog park locations (see map below) requesting feedback.



All responses, which are included with this report, are as follows:

Park Location	Total Number of Responses	Responses in favour	Responses against	Notes
McCombs	12	2	9	1 request for info
Overflow Lot	22	9	13	
Both	2	2		
Unknown	1		1	
Total	36	12	23	

* Responses were excepted until the drafting of this report.

** Some residents submitted more than one survey response. Their comments have been preserved, but only one response was counted towards the total.

McCombs Drive:

This is a 1-acre lot, in the ALR, with plenty of trees for shade and rain shelter and not adjacent to any homes. There is no parking on the east side of McCombs Drive however, the location is directly connected to the McCombs Drive walking trail which is regularly used by dog walkers. On street parking is available on Chestnut Avenue and additional parking spaces can be added to the Community Garden parking area to increase off street parking. Some debris and underbrush would need to be removed as well as minimal clearing around the perimeter to install fencing but all effort would be made to leave the site as natural as possible. There are some trees that may pose a danger and will need to be assessed and removed.

Correspondence with Ministry Staff discussing the potential dog park within the ALR has been included in this report.

Vacant Lots at Hot Springs Road (OFF):

Lots 1 and 19 are vacant land at Hot Springs Road and Miami River Drive and were purchased with funding from the Parkland Acquisition Reserve and reserved for park purposes.

The remainder of the vacant lots are currently zoned P-1 for community use, which includes parks. However, these lots are commonly used for overflow parking during events and which there is no alternative planned for at this time.

Staff has received estimates to dedicate approximately 0.5 acres to an off-leash dog park.



FINANCIAL IMPLICATIONS:

Permanent Options

The Village has collected Parks Development Cost Charges (DCC) that may be used for the upgrades of new parks.

Amenity	Description	McCombs Drive (1 acre)	OFP (1/2 acre)
DCC Eligible Expenses		Estimates	
Fencing	Fencing (6' black chain link) with a double gate system to allow for leashing up dogs in a secure area. Fencing to create a segregated area to minimize the interaction between small and large dogs.	\$45,000	\$22,500
Landscaping	Some removal of dangerous trees and brush clearing. Limbing the trees up 6' to create clear sightlines and increase safety.	\$30,000	0
Parkland Reserve Eligible Expenses			
Access & Parking	Expand the parking at the Community Garden. There is no parking available on the east side of McCombs Drive.	\$5,000	0
Signage	Signage to identify the park and clearly communicate Village policies, including any enforcement provisions, in an easy to understand format. Signage will clearly outline expectations and user responsibility.	\$5,000	\$5,000
Sanitation	Doggy bag dispenser and waste receptacle	\$5,000	\$5,000
Seating (Optional)	Benches and concrete pads that match the Village streetscape furnishings.	\$15,000	\$15,000
Totals		\$105,500	\$47,500

Temporary Options

Amenity	Description	McCombs Drive (1 acre)	Hot Springs Road (1/2 acre)
DCC Eligible Expenses		Estimates	
Landscaping	Some removal of dangerous trees and brush clearing. Limbing the trees up 6' to create clear sightlines and increase safety.	\$30,000	0
Parkland Reserve Eligible Expenses			
Signage	Signage to identify the park and clearly communicate Village policies, including any enforcement provisions, in an easy to understand format. Signage will clearly outline expectations and user responsibility.	\$5,000	\$5,000
Sanitation	Doggy bag dispenser and waste receptacle	\$5,000	\$5,000
Operational Expenses			
Fencing	Temporary Construction Fencing (6') with a double gate system to allow for leashing up dogs in a secure area. Fencing to create a segregated area to minimize the interaction between small and large dogs.	Setup/ Takedown = \$4,000 Rental = \$660/mo.	Setup/ Takedown = \$2,700 Rental = \$440/mo.
Totals		\$34,000.00 + \$660/mo.	\$12,700 + 440/mo.

RECOMMENDATION:

THAT Council authorize staff to install a temporary dog park in the overflow parking lot in September 2023 for a term of 6 months.

THAT Council authorize staff to fund eligible expenses up to \$10,000.00 from the parkland reserves for the temporary dog park.

That Council authorize staff to add \$5,000.00 to the operational budget for the temporary dog park.

THAT Staff report back to council, in the spring of 2024, with a review of the trial period to include operational, communal and financial information.

Respectfully submitted:

REVIEWED BY:

REVIEWED BY:

Tyson Koch

Tyson Koch
Operations Manager/ADCAO

Scott Schultz

Scott Schultz
Finance Manager

Kelly Ridley

Kelly Ridley
Interim CAO/ACO



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 15, 2023

FROM: Kelly Ridley **FILE:**
Interim CAO/Acting CO

SUBJECT: Strategic Planning Session – June 26 and 27, 2023

ISSUE:

To hold a Strategic Planning Session with Council to determine goals, initiatives, and actions to move the community forward.

BACKGROUND:

As Council is aware, the Ministry of Municipal Affairs has provided the Village of Harrison Hot Springs with a Municipal Advisor, Mr. Ron Poole. Mr. Poole is a neutral third party with local government experience whose role is to support, mentor and liaison between Council and senior staff with a focus on building professional relations and effective council practices. The role of the Municipal Advisor also includes assisting Council and senior staff with the assessment and implementation of strategic priorities. The Ministry of Municipal Affairs has authorized Mr. Poole to assist Council through the Strategic Planning process.

The Strategic Plan is important to a community as it is a road map that defines and guides a community into the future. It defines the municipality's key priorities, processes and short and long term plans. It guides work priorities through departmental plans and prioritizes budget and resource allocations through multiple years.

It is important that Strategic Planning includes a process for receiving public input from the community to highlight the priorities for the community. Prior to Council participating in the Strategic Planning process, Staff is recommending the following:

1. Prepare a community survey for residents to input their top three strategic priorities for the community. For example, community well-being, affordable housing, economic diversification or the environment. Further to this, there will be a second question asking residents where do they see the Village in 10 years?

This online survey would go live on Thursday, May 18 on the Village website and collect public input until Friday, June 16.

3. The input will then be compiled into a list that would identify the community's priorities in order of importance and their responses to any questions.
4. The results of the survey would then be presented at a town hall meeting on Monday, June 26, 2023 starting at 5:00 pm and the public would be given an additional opportunity to offer further comments after the results were presented.
5. Once Council has heard from the community, the Town Hall portion of the meeting would be adjourned and Council would proceed into an open meeting which would shift to a closed meeting when the items being discussed fall under section 90 of the Community Charter.

It is common practice that Council's Strategic Planning sessions take place in closed meetings as discussions can often involve many topics, some of which would be confidential such as land, legal or labour.

Mr. Poole will also request feedback for the Strategic Planning session from Council. This will be done by direct email to each council member. The email will be sent out tomorrow morning with feedback to be received by Friday, May 26th.

RECOMMENDATION:

THAT a Town Hall meeting be arranged for 5:00 pm Monday, June 26, 2023 at Memorial Hall so residents can attend; and

THAT Council's Strategic Planning session start after the June 26, 2023 Town Hall meeting.

Respectfully submitted:

Kelly Ridley
Interim Chief Administrative Officer
Acting Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 15, 2023
FROM: Tyson Koch **FILE:** 3900-02
 Operations Manager/Acting DCAO
SUBJECT: Council Code of Conduct Bylaw 1189, 2023

ISSUE:

To provide readings to Council Code of Conduct Bylaw 1189, 2023.

BACKGROUND:

At the April 3, 2023 Regular Council Meeting Council passed the following resolution:

“THAT the draft Code of Conduct Bylaw No. 1189, 2023 be reviewed by legal counsel and provide any changes or amendments that may be necessary”

RC-2023-04-17

Village legal counsel, Lidstone and Company, reviewed the draft code of conduct and provided recommendations which has been included in this report.

A final draft copy, with all the recommendations accepted, is included in this evening’s agenda for Council’s consideration under Bylaws.

RECOMMENDATION:

THAT the Council review the attached draft Code of Conduct Bylaw No. 1189, 2023, with proposed changes, and if it is supported, give the bylaw its First Three Readings; and

THAT the current Village of Harrison Hot Springs Code of Conduct Policy No. 1.33 be cancelled once Code of Conduct Bylaw No. 1189, 2023 is adopted.

Respectfully submitted:

Tyson Koch

Tyson Koch
Operations Manager/ADCAO

REVIEWED BY:

Kelly Ridley

Kelly Ridley
Interim CAO / Acting Corporate Officer

VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 1189, 2023

A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

WHEREAS Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council and Committee Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authority granted by the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain actual or perceived financial or other benefits;

AND WHEREAS Council and Committee Members wish to conduct their business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour, while promoting the principles of transparency, accountability and civility through their decisions, actions and behaviour;

AND WHEREAS a Code of Conduct Bylaw expresses standards of conduct expected for members of the Village Council and Committees;

AND WHEREAS Council and Committee Members have primary responsibility for ensuring that the standards of conduct herein are understood and met, thereby fostering public confidence in the integrity of the government of the Village of Harrison Hot Springs.

THEREFORE BE IT RESOLVED that the Council of the Village of Harrison Hot Springs in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART I – GENERAL

1.1 Title

This Bylaw may be cited as "Village of Harrison Hot Springs Code of Conduct Bylaw No. 1189, 2023".

{00882781; 1 }

1.2 Definitions

In this bylaw:

"CAO"	Means the Chief Administrative Officer for the Village of Harrison Hot Springs, <u>or their delegate</u> .
"Committee Member"	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Part 5, Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
"Complaint"	Means a <u>formal</u> allegation, in accordance with the complaint procedure set out in Part 4 of this Bylaw, that a Member has breached this Bylaw.
"Complainant"	Means a person who has submitted a Complaint.
"Confidential Information"	Means information or records held in confidence by the Village, including <u>but not limited to</u> information or records to which Section 117 of the <i>Community Charter</i> applies. For certainty, this includes all information and records from closed meetings of Council until publicly released.
"Conflict of Interest"	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> and the common law.
"Council Member"	Means the Mayor and Councillors for the Village of Harrison Hot Springs.
"Gifts and Personal Benefits"	Means an item or service of value that is received by a Member for personal use, <u>benefit</u> or enjoyment.
"Investigator"	Means the person appointed to fulfill the duties and responsibilities assigned in Part 5 of this Bylaw.
"Member"	Means a Council Member or a Committee Member
"Municipal Officer"	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
"Personal Information"	Has the same meaning as in the <i>Freedom of Information & Protection of Privacy Act</i> .
"Respondent"	Means a Council or Committee Member whose conduct is the subject of a Complaint.
"Staff"	Means an employee or contractor of the Village.
"Volunteer"	Means a person serving the Village who is not a Council Member, or Committee Member <u>or Staff member</u> .

Commented [AC1]: Have you considered whether a suspected breach or "off the record" complaint would /should constitute a complaint? This is defined narrowly to only include a "formal" complaint.

Commented [TNK2R1]: I would suggest removing formal

1.3 Purpose and Interpretation:

1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Investigator in exercising oversight over Council Members.

1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 26.

1.4 Application:

(a) This Bylaw applies to Council Members and Committee Members.

(b) For clarity, the provisions of this bylaw that reference Committee Members only are intended to apply also to Council Members acting in their capacity as Committee Members.

(c) Unless otherwise provided, this Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines the principles and standards of conduct expected and/or public confidence in Village governance.

(d) This Bylaw does not apply to Staff.

(e) In the event of a conflict between this Bylaw and another Village bylaw or Council policy governing Member conduct, this Bylaw prevails.

(f) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed or delegated to act for that person from time to time.

(g) Nothing in this bylaw is intended to preclude Members, prior to the filing of a Complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

PART 2 – STANDARDS AND VALUES

2.1 Foundational Principles

The key statements of principle that underline this Code of Conduct are as follows:

- (a) Members shall serve and be seen to serve ~~their~~ the best interests of all their constituents in a conscientious and diligent manner;
- (b) Members shall be committed to performing their duties and functions with integrity and avoiding improper use or influence of their office, and conflicts of interest;
- (c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- (d) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of the Federal Parliament and British Columbia Legislature, and the laws and policies adopted by the Village Council.

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2.2 Interpretation

The foundational principles above are to inform the interpretation of the substantive provisions of this Bylaw and are not stand-alone bases for Complaints.

2.3 Roles and Responsibilities

- (a) Council is the governing body of the Village. It has the responsibility to govern the Village in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) Council Members have, among other things, a statutory responsibility to consider the well-being and interests of the municipality and its community, and to participate in meetings and carry out the duties assigned by Council and applicable legislation
- (c) The Mayor ~~is the head and chief executive officer of the Village and has, among other things,~~ a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting Village policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (de) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner.

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PART 3 – CONDUCT OF ELECTED OFFICIALS

3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Bylaw, as amended or replaced from time to time;
- (b) contravene any other Village bylaw or policy, as amended or replaced;
- (c) contravene a law of British Columbia or Canada, including but not limited to the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*; or
- (d) defame, either verbally or in writing, another Council Member, Staff, or a Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

3.1.2 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

3.2 Interactions with Staff, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding ~~departmental-administrative~~ issues or questions to the CAO or their delegate, ~~Manager, or department Director of the appropriate department~~ and refrain from contacting Staff directly unless the communication is minor and for the purpose of seeking administrative clarity.

3.2.2 A Member must not interfere with, hinder or obstruct Staff, Volunteers or other Committee Members in the exercise of performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.

3.2.3 A Member must not request or require Staff to undertake personal or private work on behalf of a Member.

3.2.4 A Member must not compel Staff to engage in partisan political activities or subject them to reprisal of any kind for refusing to engage in such activities.

3.2.5 A Member must not make any comments, in writing or verbally, in public, on social media or otherwise that a reasonable person would conclude are disparaging or defamatory in nature, factually incorrect or inaccurate publish, on social media or otherwise, statements attacking about Members, Staff, or Volunteers.

3.2.6 A Member must not directly or indirectly request, induce, encourage, aid, or permit Staff to do something which, if done by the Member, would be a breach of this Code of Conduct.

3.3 Interactions with the Public and Media

3.3.1 A Member must not communicate on behalf of the Village unless authorized to do so:

- (a) pursuant to Policy 1.14 Media Communications and 1.32 Social Media Communications;
- (b) by Council resolution;
- (c) or by virtue of a position or role the Member has been authorized to undertake by Council.

3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express an opinion, a Council Member must ensure that:

- (a) their communications relating to Council business are factual, accurate and correct and- they must not issue any communication that the Member knows, or ought to have known, to be false, incorrect, or inaccurate; and
- (b) all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, disparage or defame any Member, Staff, or Volunteer.

3.3.3 A Member shall not issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized by Council or a committee to do so.

3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

3.4.1 A Member must act with decorum at Council and Ccommittee meetings and in accordance with Village of Harrison Hot Springs Procedure Bylaw No. 1164, 2021, as amended or replaced from time to time.

3.5 Collection and Handling of Information

3.5.1 A Member must:

- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the Village;
- (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
- (c) only access information held by the Village for Village business, and not for personal purposes; and
- (d) not alter or destroy Village records unless expressly authorized to do so.

3.6 Use of Social Media

- 3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and public official social media accounts.
- 3.6.2 Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings by others that violate the provisions of this Bylaw.
- 3.6.3 For clarity, section 3.6 applies only to social media accounts in respect of which a Member has primary moderation control.

3.7 Conflict of Interest

- 3.7.1 A Member shall not participate in a discussion of a matter, or vote on a question in respect of that matter, in respect of which the Member has a Conflict of Interest.
- 3.7.2 In respect of each matter before Council, a Council Member shall:
 - (a) assess whether they have a Conflict of Interest; and
 - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO or Council approves the cost, with respect to any situation which may result in a Conflict of Interest.
- 3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:
 - (a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered and in general terms state the reason for the conflict as per section 100(2)(b) of the *Community Charter*, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
 - (b) refrain from discussing the matter with any other Member, Staff or Volunteer either publicly or privately; and
 - (c) leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has ~~been~~ concluded.

Commented [AC3]: Consider including that to recognize that Council may, by resolution, also request a COI for a Member.

3.8 Use of Influence

- 3.8.1 A Member must not attempt to influence a decision of the Council, a Committee, a Municipal Officer, or Staff if the Member has a pecuniary or non-pecuniary Conflict of Interest in relation to that decision.
- 3.8.2 A Member must not use their office to provide preferential treatment to any person or organization except as ~~warranted-permitted~~ by the ordinary and lawful discharge of their duties.
- 3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff, or Volunteers.

Commented [AC4]: Consider whether to expand the prohibition rather than limit it to direct or indirect pecuniary COI.

3.9 Gifts and Personal Benefits

- 3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.
- 3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.
- 3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

3.10 Campaign Activities

- 3.10.1 A Council Member shall not use Village facilities, equipment, supplies, services, or other resources of the Village for any election-related activities.
- 3.10.2 A Member must not use the services of Staff for election-related purposes during the hours in which those Staff ~~m~~Members are in the paid employment of the Village or paid by the use of Village resources.
- 3.10.2 A Council Member shall comply with all applicable election legislation including, but without limitation, the *Local Government Act* and *Local Elections Campaign Financing Act*.

3.11 Business Relations

- 3.11.1 A Council Member who engages in another profession, business, or occupation concurrently while holding elected office shall not allow such activity to materially affect the Council Member's integrity, independence, attendance or competence.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

4.1 Council Members Complaint Resolution Procedures and Directives

4.1.1 Confidential Requests

- (a) If a Council Member, Committee Member, ~~or Staff~~ or Volunteer believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the CAO (or Deputy CO) on a confidential basis, without the need to file a Complaint, to request that the CAO (or Deputy CO) inform the Council Member of the alleged breach. Upon receipt of the confidential request, the CAO (or Deputy CO) may attempt to address the conduct with the Council Member.
- (b) The CAO must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents in writing to disclosure.

Commented [AC5]: Because there is currently no person for the CAO to go to with a confidential request, consider adding "or the Deputy CAO" or "Corporate Officer" after CAO in the third, forth and sixth lines.

4.1.2 How to Make a Complaint Procedure

- (a) A Member, Staff, or Volunteer may submit a Complaint to the CAO or, if the Complainant is the CAO or the Complaint involves or is about the CAO, then to the Corporate Officer.

~~(b) Upon receipt of a Complaint, the CAO (or Corporate Officer if the Complainant is the CAO or the Complaint involves or is about the CAO) shall retain an Investigator.~~

Commented [AC6]: This requires the CAO (or their delegate) to always retain an investigator. Consider giving them the discretion to "determine whether an Investigator ought to be retained"

~~(c)~~ (b) A Complaint must be in writing and describe with sufficient detail:

- i. the name of the Complainant;
- ii. the name of the Respondent;
- iii. the conduct that the Complainant alleges to have been breached;
- iv. the date of the alleged conduct;
- v. the parts of this Bylaw that the Complainant alleges have been breached; and
- vi. the basis for the Complainant's knowledge about the conduct.

or

"may (instead of shall) retain an Investigator where the circumstances warrant".

~~(d)~~ (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.

~~(e)~~ (d) The CAO (or Corporate Officer, if the CAO is the Complainant or the Complaint involves or is about the CAO) may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (c) if the circumstances warrant.

~~(f)~~ (e) ~~The Investigator must not accept multiple Complaints concerning the same matter.~~ In the event that the Investigator receives multiple Complaints concerning the same matter, the Investigator must proceed

Commented [AC7]: This is unnecessary in light of the next sentence.

with the first Complaint accepted ~~and, but~~ may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.

~~(g)~~(f) All Complaints must be made within 90 days of ~~after~~ the Complainant knowing, or reasonably ought to have known, of the alleged breach of this Bylaw, or within 90 days of the most recent incident of the alleged misconduct if it is a continuing contravention. The Investigator ~~is~~ authorized to extend this 90 day deadline up to an additional 90 days if circumstances warrant an extension.

~~(h)~~(g) The Investigator must reject a Complaints received regarding a Council Member seeking re-election may be made but must not be investigated in the period from the first day of the nomination period to the general voting day. In the event that a Complaint is filed prior to the first day of the nomination period, but remains unresolved by the start of and through the campaign period, the investigation will but suspended and may be continued into the next term unless the Complainant(s) or Respondent(s) do not seek or fail to gain re-election.

(h) In the 90 days prior to general voting day, the Investigator may suspend any investigation that is underway.

(i) Upon receipt of a Complaint, the CAO (or Corporate Officer, as the case may be) shall retain an Investigator.

4.1.3 Preliminary Assessment

(a) On receipt of a Complaint, the Investigator must conduct a preliminary assessment to determine whether to proceed with an investigation.

(b) The Investigator will provide the Respondent a summary of the Complaint.

~~(a)~~(c) ~~and i~~After the preliminary assessment, ~~f at that time,~~ or at any time thereafter, the Investigator is of the opinion that:

- i. the Complaint is not with respect to a breach of this Bylaw;
- ii. the Complaint is frivolous, vexatious, or not made in good faith;
- iii. the investigation is or might be hampered, or the Council Member might be prejudiced, by the Complainant's failure to comply with Section 4.1.2(~~eb~~), or otherwise cooperate with the investigation;
- iv. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; ~~or~~
- v. there are no grounds or insufficient grounds to conclude that a violation of this Bylaw has occurred; or

~~v~~vi. the Complaint would be more appropriately addressed through another process or if the Complaint is already being addressed through another process, such as court proceeding or human rights complaint, -

the Investigator ~~decide not to proceed with a Complaint and~~ must notify the Complainant, ~~and the Respondent, and CAO (or the Corporate Officer, as the case may be)~~ in writing that the Investigator is closing the Complaint, set out the reasons ~~therefore,~~ and close the Complaint.

- (c) Notwithstanding Section 4.1.43 (a) ~~and (b)~~, the Investigator may request further information from the Complainant before determining whether or not there are sufficient grounds ~~for believing~~ that a breach of this Bylaw may have occurred.

4.1.54 Informal Resolution:

- (a) When the Investigator has decided to proceed with a Complaint, the Investigator must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the Investigator may either attempt to resolve the Complaint directly or refer the Complaint to the CAO ~~(or Corporate Officer, as the case may be)~~.
- (b) In making a determination under subsection 4.1.54(a), the Investigator shall give a strong preference to the informal resolution process wherever possible.
- (c) When determining whether the Complaint may be resolved informally, the Investigator may consider culturally appropriate, transformative or restorative justice approaches, and may engage a third party to assist the Investigator for this purpose.
- ~~(a)~~(d) Where the Investigator refers the Complaint in accordance with Section 4.1.54(a) the CAO may agree to assist in resolving the Complaint directly, or may appoint at their discretion a third party to assist in resolving the Complaint.
- ~~(b)~~(e) The third party assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may ~~declinewithdraw from~~ ~~to~~ assisting at any point.
- ~~(c)~~(f) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- ~~(d)~~(g) If a Complaint is resolved informally, the third party assisting in resolving the Complaint must notify the Investigator in writing of the terms of the resolution, upon receipt of which, the Investigator must close the Complaint.
- ~~(e)~~(h) If a Complaint cannot be resolved informally, the third party assisting in resolving the Complaint must refer the Complaint back to the Investigator for a formal investigation.

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4.1.5 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Investigator must proceed with a formal investigation.

- (b) If the Investigator proceeds with a formal investigation, the Investigator will ensure that the investigation is conducted in a fair, timely, confidential manner and otherwise complies with the principles of due process, procedural fairness, and natural justice.
- (c) The Investigator will interview the Respondent, the Complainant, and any other individual who is relevant to the Complaint. The Respondent, Complainant, and other witnesses must agree to keep information discussed as part of the investigation confidential.
- (d) The Investigator may also request disclosure of records relevant to the Complaint, including records held by the Complainant, Respondent, third parties, or any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege the Village.
- ~~(b) The Investigator must deliver the Complaint to the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within 10 days, subject to the Investigator's discretion to extend the timeline.~~
- ~~(c) The Investigator may deliver the Complaint with the Respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Investigator's discretion to extend the timeline.~~
- ~~(d) The Investigator may:
 - i. speak to anyone relevant to the Complaint;
 - ii. request disclosure of documents relevant to the Complaint; or
 - iii. access any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege.~~
- ~~(e) The Investigator must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.~~
- ~~(f) —~~
- ~~(g)~~(e) Notwithstanding subsection 4.1.6(a) ~~above~~below, nothing prohibits the Investigator from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- ~~(h) —~~
- (f) If the Investigator summarily dismisses a Complaint in the Formal Resolution stage, the Investigator shall report to the Complainant and Respondent in the manner similar to that as set out in 4.1.4(a).

4.1.6 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:

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~~vi.i.~~ with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;

~~vii.ii.~~ with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or

~~viii.iii.~~ with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Investigator may ~~reject-dismiss~~ the Complaint, or part of the Complaint, and must notify the Complainant and CAO (or Corporate Officer, as the case may be) in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and ~~referrals-recommendations~~ the Investigator thinks appropriate.

- (b) If the Investigator, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* then the Investigator must immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension of the investigation to the CAO (or Corporate Officer, as the case may be) Council.
- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Investigator may close the Complaint and notify the Complainant, ~~and~~ Respondent and CAO (or Corporate Officer, as the case may be) of this decision.

~~4.1.4~~ 4.1.7 Adjudication and Reporting:

(a) The Investigator must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant, ~~and~~ the Respondent, and the CAO (or Corporate Officer, as the case may be).

(b) The Investigator shall, upon conclusion of the investigation prepare a report setting out their findings as to whether the Respondent breached the Bylaw and provide reasons for their determination and provide it to the CAO, or Corporate Officer, as the case may be, who will place the report on an in-camera agenda for receipt by Council.

(c) If the Investigator concludes the Respondent breached the Bylaw the Investigator must make recommendations as to potential sanction(s) for the breach as set out below.

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Commented [AC8]: I do not recommend making public the existence or conclusion of an otherwise completely confidential investigation. Doing so may be highly prejudicial to the Complainant, Respondent, Council and the Village if not released carefully and properly (ie: FOIPPA or Council Confidentiality reasons)

(d) If the Investigator determines the Council Member took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed.

(a) A letter confirming the investigation is complete, a summary of the conclusions and what steps, if any, Council will take will also be provided to the Complainant and the Respondent in due course, subject to any redactions necessary to comply with the *Freedom of Information and Protection of Privacy Act*.

(b) A notification issued pursuant to sections 4.1.3(a), 4.1.3(b), 4.1.4(a), or subsection 4.1.7(a) is confidential and must not be disclosed except in the following circumstances:

- i. to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 4.4.2; and
- ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Bylaw.

(c) If after reviewing all material information, the Investigator determines that the Respondent did not violate this Bylaw, then:

- i. the Investigator must prepare a written investigation report providing reasons for their determination that the Council Member did not breach the Bylaw;
- ii. the Investigator must deliver a copy of the investigation report to the Complainant, Respondent and Council; and
- iii. the Investigator must make the investigation report or a summary publicly available on the next available Council agenda after delivery of the investigation report to the Complainant, Respondent and Council.

(d) If after reviewing all the material information, the Investigator determines that a Council Member did violate this Bylaw, then:

- i. the Investigator must prepare a written investigation report providing reasons for their determination that the Council Member breached this Bylaw;
- ii. the investigation report must make recommendations as to the appropriate sanction for the breach;
- iii. if the Investigator determines the Council Member took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed;
- iv. the Investigator must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and

v. (e) the Investigator must deliver a copy of the investigation report to the Complainant and Council forty eight (48) hours after delivery of the investigation report to the Respondent.

Commented [AC9]: Complaints and Respondents only need a letter confirming the investigation is complete, a summary of the conclusions of the Council and what steps, if any, the Council is going to take to remedy/mitigate.

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Commented [AC10]: I revised this, but I also think that it is unnecessary given the changes proposed.

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~~(e) — In all circumstances, the Investigator may choose to distribute the investigation report to Council through the Corporate Officer.~~

4.1.8 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7~~(d)(v)~~, or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be given notice and provided with an opportunity to be heard, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or for another valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and a summary of the investigation report, or a summary, may must be made available to the public in a form that complies with section 4.1.10(b).
- (d) Notwithstanding subsection 4.1.8(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*. For certainty, this means the investigative report or summary may not be publicly released.

4.1.9 Remedies

- (a) Sanctions that may be imposed for a violation of this Bylaw include the following:
 - i. a letter of reprimand from Council addressed to the Council Member;
 - ii. a request from Council that the Council Member issue a letter of apology;

Commented [AC11]: This is somewhat pushing the boundaries of what might be legally acceptable in terms of privacy rights and responsibilities of the individuals involved. I know that some municipalities are taking the risk by trying to be more transparent about the outcome of investigations into their Council Members' conduct. While where only Council Members are involved, it may be more acceptable to be more transparent, where staff are involved (as complainants or witnesses) they have more of a right (and expectation) of privacy that ought to be protected.

Again, I do not recommend making public the existence or conclusion of an otherwise completely confidential investigation. Doing so may be highly prejudicial to the Complainant, Respondent, Council and the Village if not released carefully and properly (ie: FOIPPA or Council Confidentiality reasons).

Commented [AC12]: I am not a fan of forced apologies. They do not mean anything if they are not freely given. Just my opinion.

- ~~iii-ii.~~ the publication of the letters contemplated in subsections (i) and (ii), along with the Council Member's written response, if any;
 - ~~iv-iii.~~ directions to the CAO regarding restricting how the provision of documents, including documents containing Confidential Information, ~~are provided~~ to the Council Member;
 - iv. disclosure to the public of the findings relating to the Council Member's breach of this policy
 - v. a ~~recommendation requirement~~ that the Council Member attend specific training or counselling;
 - vi. limitations on access to certain Village facilities;
 - vii. suspension or removal of the Council Member from some or all internal and external Council committees and bodies to which the Council Member was appointed at the pleasure of Council ~~was appointed~~;
 - viii. ~~prohibition restricting the Council Member~~ from representing the Village at events and/or attending conferences and seminars;
 - ix. suspension or removal of the appointment of a Council Member as the Acting Mayor;
 - x. public censure of a Council Member;
 - xi. imposing further limits on council-related travel or expenses beyond those set out in corporate policies
 - ~~xii.~~ any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.
- (b) The Investigator may recommend that Council consider commencing an application for disqualification under section 111 of the *Community Charter* or for damages under section 117 of the *Community Charter*, as applicable.

4.1.10 Report to be Public

- (a) Unless deliberations have, pursuant to section 4.1.8(d), taken place in a closed Council meeting, the Village ~~must~~ may, after delivering a copy of the investigation report to the Complainant and Council, make ~~the a summary of the investigation report, or a summary of the report,~~ a summary of the investigation report available to the public.
- (b) In all circumstances, the Village will ensure that the investigation report or a summary complies with the Village's obligations regarding disclosure of affected individuals' personal information set out in the Freedom of

Commented [AC13]: Further to my comments above, and in light of a Council Member's right to procedural fairness (right to be heard before sanctions imposed) I am uncomfortable with the Village making public the report or summary of the report before the Council Member has been heard and had an opportunity to respond.

~~Information and Protection of Privacy Act and ensure that appropriate redactions are applied and that Council complies with the Respondent Council Member's right to procedural fairness-disclosure of personal information set out in the Freedom of Information and Protection of Privacy Act, and ensure that appropriate redactions are applied~~ prior to any release to the public.

4.1.11 **Remuneration**

a) Subject to Council's duty of procedural fairness towards the Respondent Council Member, -where the Investigator finds that a Council Member:

- i. breached this Bylaw; or
- ii. submitted a complaint that was frivolous, vexatious, or made in bad faith

the remuneration to which that Council Member would otherwise be entitled shall be reduced in accordance with the Council Remuneration and Expenses Policy No. 1.16, as amended or replaced from time to time.

(b) Notwithstanding subsection 4.1.11(a)(i), the remuneration of a Council Member shall not be reduced if the Investigator makes a finding under section 4.1.7(d)(iii) that:

- i. the Council Member took all reasonable steps to prevent the breach;
- ii. the breach was trivial or inadvertent; or
- iii. the breach was because of an error in judgment made in good faith.

4.1.12 Confidentiality of the Investigation

- (a) The Investigator must make all reasonable efforts to investigate Complaints in confidence.
- (b) The Investigator and every person acting under the Investigators' instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or Complaint except as required by law.

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Commented [AC14]: Before any censure or sanction can be imposed on a respondent Member (and arguably Committee/Commission member) such as an automatic reduction in remuneration, they must be afforded procedural fairness and an opportunity to be heard before any decision is made.

We are of the view that for the reasons explained in previous comments, this is highly problematic. We have not found any specific case law on whether this would be legally permitted where procedural fairness is not afforded to the Board Member (respondent) before such a decision is made.

I have also not reviewed the Remuneration Policy during this review.

- (c) An investigation report must only disclose such matters as, in the Investigator's opinion, are necessary for the purpose of the investigation report.

4.1.13 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

4.2 Committee Members

- 4.2.1 A Complaint of an alleged breach of this Bylaw by a Committee Member shall be submitted simultaneously in writing addressed to both the Mayor and CAO (or Corporate Officer, as the case may be) and within 90 days of the last alleged breach.

- 4.2.2 A Complaint must comply with the standards set out at section 4.1.2.

- 4.2.3 The Mayor shall consider the Complaint and direct that any enquiries considered appropriate or desirable be undertaken, including a referral to the CAO or the Investigator. For certainty, if the Complaint is referred to the CAO or the Investigator, then the processes and procedures in section 4.1 of this Bylaw may be utilized to the extent deemed necessary and appropriate.

- ~~4.2.4~~ Nothing in this Code is intended to abrogate the power of the Mayor or Council, as applicable, to remove, at their pleasure and at any time, any Committee Member from any committee to which they have been appointed.

4.2.4

4.3 Reprisals and Obstruction

- 4.3.1 No Council Member, Committee Member, or Staff will threaten, interfere with, or otherwise obstruct the Investigator in relation to the Investigator carrying out the duties and responsibilities under this Bylaw.

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4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any reprisal against a Complainant or against a person who provides information to the Investigator in the context of an investigation.

4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Investigator when questioned regarding an investigation.

4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above or the termination of employment for just cause, as applicable.

4.4 Reimbursement of Costs

4.4.1 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

- (a) it is the Council Member's first formal complaint process; and
- (b) the amount does not exceed \$10,000.

4.4.2 For clarity, the provisions of the Indemnification Bylaw, as replaced or amended from time to time, do not apply to requests for reimbursement under this Bylaw.

4.5 Vexatious Allegations and Complaints

4.5.1 Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:

- (a) in the case of Council Members, sanctions and remedies described in Section 4.1.9;
- (b) in the case of Committee Members, termination of the Committee Member's appointment;
- (c) in the case of Staff, disciplinary action or the termination of employment for just cause, as applicable.

PART 5 – APPOINTMENT OF INVESTIGATOR

5.1 Appointment of Investigator

- 5.1.1 The CAO shall, upon receipt of a Complaint, appoint an Investigator to fulfill the duties and responsibilities described in section 5.2.

5.2 Duties and Responsibilities

- 5.2.1 The duties and responsibilities of the Investigator are as follows:

- (a) to assist with informal resolution of a confidential request or Complaint;
- (b) to receive and assess a Complaint to determine if the Complaint must be ~~rejected, rejected~~ ~~dismissed~~, closed, resolved or investigated;
- (c) to investigate and conduct inquiries as to alleged violations of this Bylaw;
- (d) to report to Council as to whether a Member has breached this Bylaw;
and
- (e) to make recommendations on an appropriate remedy, if the Investigator determines that a Member has breached this Bylaw.

5.2.2 The Investigator must perform the duties and responsibilities under this Bylaw in an independent manner.

5.2.3 An Investigator may only be dismissed for cause.

PART 6 – ENACTMENT

6.1 Effective Date

This bylaw comes into force and effect on adoption.

READ A FIRST time this XX day of XXXX, 202X.

READ A SECOND time this XX day of XXXX, 202X.

READ A THIRD time this XX day of XXXX, 202X.

ADOPTED this XX day of XXXX, 202X.

Ed Wood, Mayor

Kelly Ridley,
Interim Chief Administrative
Officer
Acting Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1191, 2023

A bylaw to amend Highway and Traffic Bylaw No. 974, 2011

WHEREAS the Village of Harrison Hot Springs has deemed it advisable to amend Highway and Traffic Bylaw No. 974, 2011 to reflect an adjustment in pay parking fees under the pay parking program;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

1. This Bylaw may be cited for all purposes as Village of Harrison Hot Springs “Highway and Traffic Amendment Bylaw No. 1191, 2023”.
2. Highway and Traffic Bylaw No. 974, 2011 hereby amended by deleting Schedule “A” in its entirety and substituting it with Schedule “A” attached hereto and forming part of this bylaw.

READINGS AND ADOPTION

READ A FIRST TIME THIS 1ST DAY OF MAY, 2023

READ A SECOND THIS 1ST DAY OF MAY, 2023

READ A THIRD TIME THIS 1ST DAY OF MAY, 2023

ADOPTED THIS X DAY OF XXXX, 202X

Ed Wood
Mayor

Kelly Ridley
Acting Corporate Officer

Highway and Traffic Amendment Bylaw No. 1191, 2023

Schedule “A”

The following highways are designated as pay parking areas for the purposes of pay parking and will be subject to the following pay parking fees, and as amended from time to time:

- Esplanade Avenue
- St. Alice Street between Esplanade and Lillooet Avenue
- Hot Springs Road north of Lillooet Avenue
- Lillooet Avenue west of Hot Springs Road
- Maple Street north of Lillooet Avenue
- Chehalis Street
- Spruce Street

Zone 1: Max. 4 Hour Parking

Excluding stalls with EV charging

Parking Rates:

Hour 1 – \$2.00
 Hour 2 – \$3.00
 Hour 3 – \$4.00
 Hour 4 – \$5.00

(Total \$14.00 for 4 hours)

Locations:

St. Alice Street between Esplanade and Lillooet Avenue
 Hot Springs Road north of Lillooet Avenue
 Esplanade Avenue west of Hot Springs Road
 Lillooet Avenue west of Hot Springs Road

Zone 2: Hourly and Daily Parking

Excluding stalls with EV charging

Parking Rates:

Hour 1 – \$2.00
 Hour 2 – \$3.00
 Hour 3 – \$4.00
 Hour 4 – \$5.00

\$20.00 per day

Locations:

Esplanade Avenue east of Hot Springs Road

Streets between Esplanade Avenue and Lillooet Avenue including:

- Maple Street
- Chehalis Street
- Spruce Street

Electric Vehicle Charging Stalls on Public Property: Max. 4 Hour Parking

Parking Rates:

May 15 – September 15

\$7.00 per hour

September 16 – May 14

\$2.00 per hour



VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 1192, 2023

A bylaw to amend “Park Regulation Bylaw No. 1150, 2020”

The Council, of the Village of Harrison Hot Springs in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the Village of Harrison Hot Springs “Park Regulation Bylaw Amendment Bylaw No. 1192, 2023”.
2. “Park Regulation Bylaw No. 1150, 2020” is hereby amended by deleting under the “Regulation” section 4. a. in its entirety and substituting the following:
 - a. a sunshade or sun canopy tent with a maximum dimension of 3.65m² X 3.65m² (12 feet X 12 feet) and a maximum height of 2.0 m that can be secured to the ground and is used for the purpose of blocking sunlight.

READ A FIRST TIME THIS 1ST DAY OF MAY, 2023

READ A SECOND TIME THIS 1ST DAY OF MAY, 2023

READ A THIRD TIME THIS 1ST DAY OF MAY, 2023

ADOPTED THIS XX DAY OF XXXXX, 202X

Ed Wood
Mayor

Kelly Ridley
Acting Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council

DATE: May 15, 2023

FROM: Ken Cossey MCIP, RPP
Planning Consultant

FILE: 3360-20-Z02/21
(511 Lillooet Ave)

SUBJECT: Rezoning Amendment Bylaw

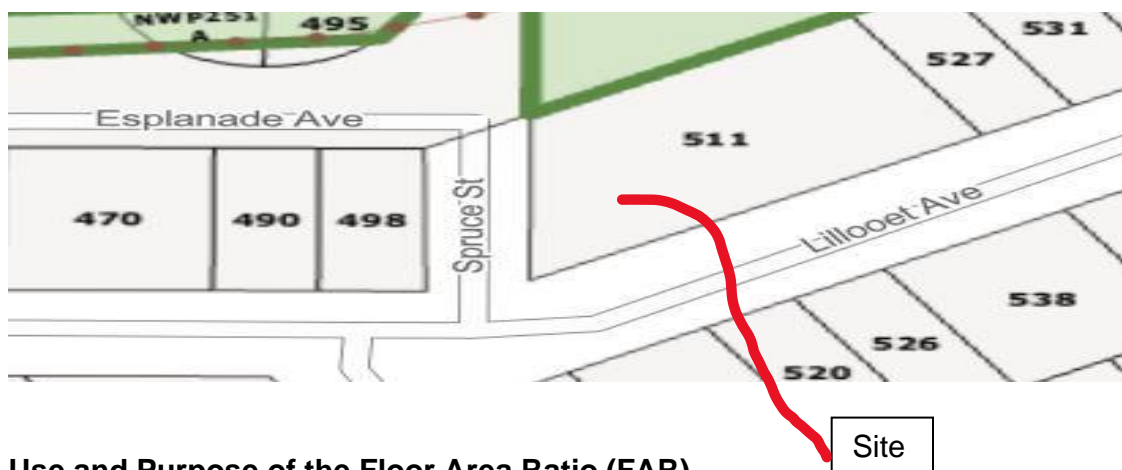
ISSUE:

Consideration of 1st and 2nd reading of Zoning Amendment Bylaw No. 1193, 2023, review of the suggested amendment zoning referral list, and authorizing staff to set up a public hearing. The Amendment Bylaw proposes to change the current Floor Area Ratio (FAR), from 1.5 to 1.78, change the Lot Coverage from 75% to 76.9% and change the Building Height from 15 M to 22.8 M.

BACKGROUND INFORMATION:

Based upon a review of the Village's Official Community Plan (OCP), the site is within the Lakeshore Beach Area designation, the Waterfront Commercial Area and within the Lakeshore Special Planning Area.

As per the Village's Zoning Bylaw, the site is zoned as Village Commercial (C-1) and is bounded by Lillooet Avenue to the south, Spruce Street to the west, and Rendall Park to the north.



Use and Purpose of the Floor Area Ratio (FAR)

The FAR is a measurement of a Building's or Structure's floor area in relation to the size of the Lot that the Building or Structure will be located on. Generally, the FAR is expressed in a decimal format, and is an effective way to calculate the bulk or mass of the proposed development on a particular site.

The FAR is also used in conjunction with other development standards such as Building Heights, and Lot Coverage. Within the Village's current Zoning Bylaw is the following definition.

“Floor Area Ratio (FAR)

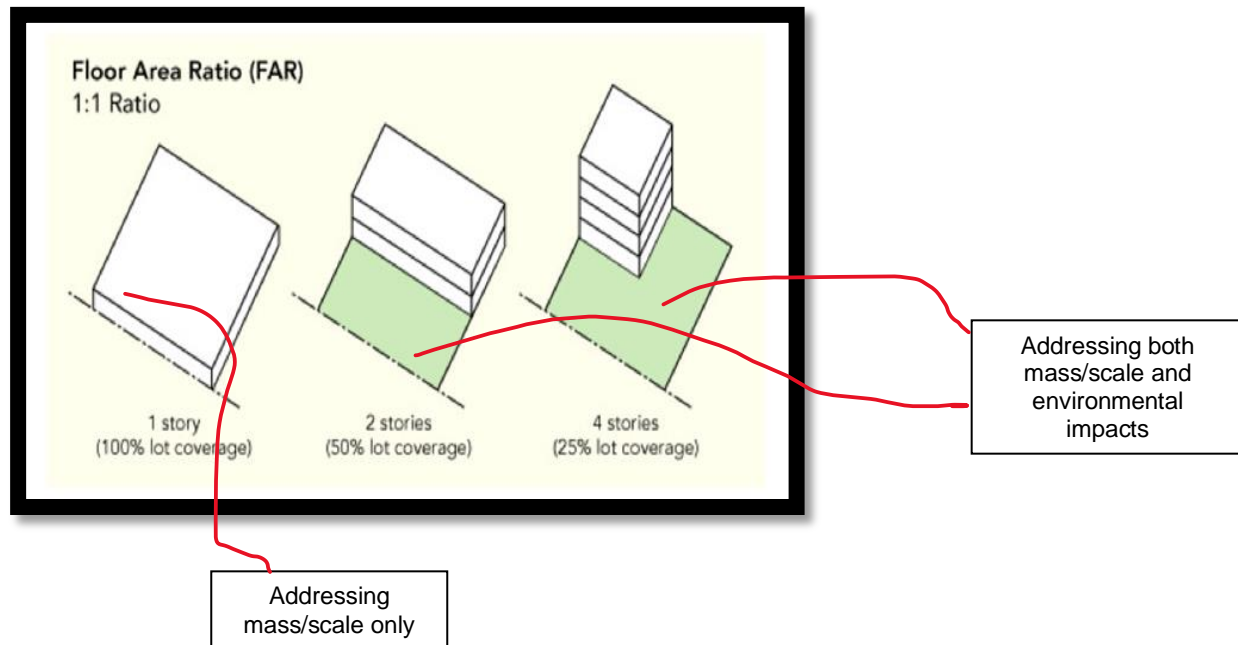
means a ratio between the Building or Structure size and the Lot size, that is used to control the bulk of the Building or Structure;”

Source: Zoning Bylaw 1115, 2017

The FAR is most often used to express development intensity of non-residential land uses, such as commercial and industrial uses.

Purpose of the FAR

The FAR can be used to lessen environmental impacts of the development or to control the mass and scale of the development, as outlined in the diagram below.



The FAR considers the footprint of the Building or Structure and the entire occupied areas of the proposed development. Unoccupied areas such as but not limited to parking garages, elevator shafts and basements are generally not included in the calculation of the FAR.

Purpose of Lot Coverage

Lot Coverage is used as a planning tool to control the scale of development on a Lot, and the overall building footprint is controlled through the use of this tool. Within the Village's current Zoning Bylaw is the following definition.

“Lot Coverage

means the Building Area of all the Buildings and Structures that are allowed to cover a Lot and is expressed as a percentage figure of the total area of the Lot;”

Source: Zoning Bylaw 1115, 2017

Purpose of the Building Height

This type of planning tool controls the overall height of the Building or Structure. Architectural elements that do not add floor area to a Building or Structure, such as parapet walls, chimneys, vents, and roof equipment are not considered part of the height of a Building or Structure. In the case of the Village's Zoning Bylaw the following are also included:

- Communication towers
- Spires, belfries, and domes
- Flag poles
- Elevator shafts, and
- Stair and hose towers

Public Realm Improvements - as offered by the developer

The following public realm improvements have been offered by the developer:

- Parking and streetscape improvements
 1. Public benches and bike racks;
 2. New public sidewalks, new curbs, and new storm drainage;
 3. New public trees will be installed and maintained;
 4. Public benches, public BBQ stands and a public children's play area – up to \$10,000.00; and
 5. Public Art contribution - up to \$10,000.
- Dwelling units – disabled or affordable
 1. Minimum 10% of the residential units will be adaptable units (Note – 80 total units are being proposed for this development, some for commercial use for short-term rentals and some for residential uses)
- Additional amenities are being offered.
 1. Development of a public plaza, at the corner of Lillooet Ave and Spruce Street;
 2. New landscaping on three sides of the public washroom located in Rendall Park, with a two-year warranty program; and
 3. The top floor amenity area will be open to both the public and the users of the building.

Accessibility Impact Statement

In terms of accessibility the project must meet the BC Building Code requirements for universal accessibility as per the Building Access Handbook, 2014.

Agency Referrals

Staff recommend that the following bodies be informed about the project and ask that they provide feedback on the project.

1. Advisory Planning Commission
2. The Village's Fire Department
3. The Ministry of Transportation and Infrastructure

Please note that all the referral agency comments must be received by staff prior to any Public Hearing being held, as these comments must be shared with the public during the Public Hearing.

Title Review

The Title of this site have been reviewed and there is no flood covenant registered on title.

Public Notification Meeting

As outlined in the Village's Development Procedures Bylaw # 1090, 2016, specifically s. 11.0, Council requested that the developer hold a Public Notification meeting. This meeting was held on February 10, 2023.

RECOMMENDATION:

1. THAT Zoning Amendment Bylaw 1193, 2023 be given first and second reading; and
2. THAT staff be authorized to refer the application to the Advisory Planning Commission, Harrison Hot Springs Fire Department, and the Ministry of Transportation and Infrastructure, and
3. THAT staff be authorized to schedule a public hearing.

Respectfully submitted;

**Reviewed by and Concurrence
with the RECOMMENDATIONS:**

Ken Cossey

Ken Cossey, MCIP, RPP
Planning Consultant

Kelly Ridley
Interim Chief Administrative Officer

Attachment (1) Zoning Amendment Bylaw 1193, 2023

VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1193, 2023

A bylaw to amend the Village of Harrison Hot Springs Zoning Bylaw No. 1115, 2017

WHEREAS the Mayor and Council has deemed it advisable to amend the Village of Harrison Hot Springs Zoning Bylaw No. 1115, 2017, the Zoning Bylaw for the Village of Harrison Hot Springs, as adopted May 7, 2018;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the "**Village of Harrison Hot Springs Zoning Amendment Bylaw No. 1193, 2023**".

TEXT AMENDMENT

That:

- (a) Under the C-1 Zone "Development Regulations for the Commercial Uses" for the Floor Area Ratio regulation. The following number is deleted in its entirety "1.5" and the following number is inserted in its place "1.5⁽⁸⁾".
- (b) Under the notes section the following is inserted after the word "use"
"8/. For land legally described as Lot A, Section 13, Township 4, Range 29, West of the 6th Meridian, New Westminster District Plan EPP108940 (PID 031-317-367), the maximum allowable Floor Area Ratio must not exceed 1.78."
- (c) Under the C-1 Zone "Development Regulations for the Commercial Uses" for the Lot Coverage regulation. The following number is deleted in its entirety "75" and the following number is inserted in its place "75⁽⁹⁾".
- (d) Under the notes section the following is inserted in its entirety;
"9/. For land legally described as Lot A, Section 13, Township 4, Range 29, West of the 6th Meridian, New Westminster District Plan EPP108940 (PID 031-317-367), the maximum allowable Lot Coverage must not exceed 76.9%."
- (e) Under the C-1 Zone "Development Regulations for the Commercial Uses" for the Maximum Height regulation. The following number is deleted in its entirety "15" and the following number is inserted in its place "15⁽¹⁰⁾".
- (f) Under the notes section the following is inserted in its entirety;
"10/. For land legally described as Lot A, Section 13, Township 4, Range 29, West of the 6th Meridian, New Westminster District Plan EPP108940 (PID 031-317-367), the Maximum Height must not exceed 22.8 M."

READ A FIRST TIME THIS _____ DAY OF _____ 2023.

READ A SECOND TIME THIS _____ DAY OF _____ 2023.

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2023.

READ A THIRD TIME THIS _____ DAY OF _____, 2023.

ADOPTED THIS _____ DAY OF _____, 2023.

Ed Wood
Mayor

Kelly Ridley
Acting Corporate Officer

DRAFT

VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 1189, 2023

A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

WHEREAS Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council and Committee Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authority granted by the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain actual or perceived financial or other benefits;

AND WHEREAS Council and Committee Members wish to conduct their business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour, while promoting the principles of transparency, accountability and civility through their decisions, actions and behaviour;

AND WHEREAS a Code of Conduct Bylaw expresses standards of conduct expected for members of the Village Council and Committees;

AND WHEREAS Council and Committee Members have primary responsibility for ensuring that the standards of conduct herein are understood and met, thereby fostering public confidence in the integrity of the government of the Village of Harrison Hot Springs.

THEREFORE BE IT RESOLVED that the Council of the Village of Harrison Hot Springs in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART I – GENERAL

1.1 Title

This Bylaw may be cited as “Village of Harrison Hot Springs Code of Conduct Bylaw No. 1189, 2023”.

1.2 Definitions

In this bylaw:

“CAO”	Means the Chief Administrative Officer for the Village of Harrison Hot Springs, or their delegate.
“Committee Member”	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Part 5, Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
“Complaint”	Means a formal allegation, in accordance with the complaint procedure set out in Part 4 of this Bylaw, that a Member has breached this Bylaw.
“Complainant”	Means a person who has submitted a Complaint.
“Confidential Information”	Means information or records held in confidence by the Village, including but not limited to information or records to which Section 117 of the <i>Community Charter</i> applies. For certainty, this includes all information and records from closed meetings of Council until publicly released.
“Conflict of Interest”	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> and the common law.
“Council Member”	Means the Mayor and Councillors for the Village of Harrison Hot Springs.
“Gifts and Personal Benefits”	Means an item or service of value that is received by a Member for personal use, benefit or enjoyment.
“Investigator”	Means the person appointed to fulfill the duties and responsibilities assigned in Part 5 of this Bylaw.
“Member”	Means a Council Member or a Committee Member
“Municipal Officer”	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
“Personal Information”	Has the same meaning as in the <i>Freedom of Information & Protection of Privacy Act</i> .
“Respondent”	Means a Council or Committee Member whose conduct is the subject of a Complaint.
“Staff”	Means an employee or contractor of the Village.
“Volunteer”	Means a person serving the Village who is not a Council Member, Committee Member or Staff member.

1.3 Purpose and Interpretation:

1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Investigator in exercising oversight over Council Members.

1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 26.

1.4 Application:

(a) This Bylaw applies to Council Members and Committee Members.

(b) For clarity, the provisions of this bylaw that reference Committee Members only are intended to apply also to Council Members acting in their capacity as Committee Members.

(c) Unless otherwise provided, this Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines the principles and standards of conduct expected and/or public confidence in Village governance.

(d) This Bylaw does not apply to Staff.

(e) In the event of a conflict between this Bylaw and another Village bylaw or Council policy governing Member conduct, this Bylaw prevails.

(f) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed or delegated to act for that person from time to time.

(g) Nothing in this bylaw is intended to preclude Members, prior to the filing of a Complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.

1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

PART 2 – STANDARDS AND VALUES

2.1 Foundational Principles

The key statements of principle that underline this Code of Conduct are as follows:

- (a) Members shall serve and be seen to serve the best interests of all their constituents in a conscientious and diligent manner;
- (b) Members shall be committed to performing their duties and functions with integrity and avoiding improper use or influence of their office, and conflicts of interest;
- (c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- (d) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of the Federal Parliament and British Columbia Legislature, and the laws and policies adopted by the Village Council.

2.2 Interpretation

The foundational principles above are to inform the interpretation of the substantive provisions of this Bylaw and are not stand-alone bases for Complaints.

2.3 Roles and Responsibilities

- (a) Council is the governing body of the Village. It has the responsibility to govern the Village in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) Council Members have, among other things, a statutory responsibility to consider the well-being and interests of the municipality and its community, and to participate in meetings and carry out the duties assigned by Council and applicable legislation
- (c) The Mayor has, among other things, a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting Village policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (d) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner.

PART 3 – CONDUCT OF ELECTED OFFICIALS

3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Bylaw, as amended or replaced from time to time;
- (b) contravene any other Village bylaw or policy, as amended or replaced;
- (c) contravene a law of British Columbia or Canada, including but not limited to the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*; or
- (d) defame, either verbally or in writing, another Council Member, Staff, or a Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

3.1.2 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

3.2 Interactions with Staff, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding administrative issues or questions to the CAO or their delegate and refrain from contacting Staff directly unless the communication is minor and for the purpose of seeking administrative clarity.

3.2.2 A Member must not interfere with, hinder or obstruct Staff, Volunteers or other Committee Members in the exercise of performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.

3.2.3 A Member must not request or require Staff to undertake personal or private work on behalf of a Member.

3.2.4 A Member must not compel Staff to engage in partisan political activities or subject them to reprisal of any kind for refusing to engage in such activities.

3.2.5 A Member must not make any comments, in writing or verbally, in public, on social media or otherwise that a reasonable person would conclude are disparaging or defamatory in nature, factually incorrect or inaccurate about Members, Staff, or Volunteers.

3.2.6 A Member must not directly or indirectly request, induce, encourage, aid, or permit Staff to do something which, if done by the Member, would be a breach of this Code of Conduct.

3.3 Interactions with the Public and Media

- 3.3.1 A Member must not communicate on behalf of the Village unless authorized to do so:
- (a) pursuant to Policy 1.14 Media Communications and 1.32 Social Media Communications;
 - (b) by Council resolution;
 - (c) or by virtue of a position or role the Member has been authorized to undertake by Council.
- 3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express an opinion, a Council Member must ensure that:
- (a) their communications relating to Council business are factual, accurate and correct and they must not issue any communication that the Member knows, or ought to have known, to be false, incorrect, or inaccurate; and
 - (b) all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, disparage or defame any Member, Staff, or Volunteer.
- 3.3.3 A Member shall not issue instructions to any of the Village's contractors, tenderers, consultants or other service providers unless expressly authorized by Council or a committee to do so.
- 3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

- 3.4.1 A Member must act with decorum at Council and committee meetings and in accordance with Village of Harrison Hot Springs Procedure Bylaw No. 1164, 2021, as amended or replaced from time to time.

3.5 Collection and Handling of Information

- 3.5.1 A Member must:
- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the Village;
 - (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
 - (c) only access information held by the Village for Village business, and not for personal purposes; and
 - (d) not alter or destroy Village records unless expressly authorized to do so.

3.6 Use of Social Media

- 3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and public official social media accounts.
- 3.6.2 Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings by others that violate the provisions of this Bylaw.
- 3.6.3 For clarity, section 3.6 applies only to social media accounts in respect of which a Member has primary moderation control.

3.7 Conflict of Interest

- 3.7.1 A Member shall not participate in a discussion of a matter, or vote on a question in respect of that matter, in respect of which the Member has a Conflict of Interest.
- 3.7.2 In respect of each matter before Council, a Council Member shall:
 - (a) assess whether they have a Conflict of Interest; and
 - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO or Council approves the cost, with respect to any situation which may result in a Conflict of Interest.
- 3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:
 - (a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered and in general terms state the reason for the conflict as per section 100(2)(b) of the *Community Charter*, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
 - (b) refrain from discussing the matter with any other Member, Staff or Volunteer either publicly or privately; and
 - (c) leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has concluded.

3.8 Use of Influence

- 3.8.1 A Member must not attempt to influence a decision of the Council, a Committee, a Municipal Officer, or Staff if the Member has a pecuniary or non-pecuniary Conflict of Interest in relation to that decision.
- 3.8.2 A Member must not use their office to provide preferential treatment to any person or organization except as permitted by the ordinary and lawful discharge of their duties.
- 3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff, or Volunteers.

3.9 Gifts and Personal Benefits

- 3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.
- 3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.
- 3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

3.10 Campaign Activities

- 3.10.1 A Council Member shall not use Village facilities, equipment, supplies, services, or other resources of the Village for any election-related activities.
- 3.10.2 A Member must not use the services of Staff for election-related purposes during the hours in which those Staff members are in the paid employment of the Village or paid by the use of Village resources.
- 3.10.2 A Council Member shall comply with all applicable election legislation including, but without limitation, the *Local Government Act* and *Local Elections Campaign Financing Act*.

3.11 Business Relations

- 3.11.1 A Council Member who engages in another profession, business, or occupation concurrently while holding elected office shall not allow such activity to materially affect the Council Member's integrity, independence, attendance or competence.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

4.1 Complaint Resolution Procedures and Directives

4.1.1 Confidential Requests

- (a) If a Council Member, Committee Member, Staff or Volunteer believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the CAO (or Deputy CO) on a confidential basis, without the need to file a Complaint, to request that the CAO (or Deputy CO) inform the Council Member of the alleged breach. Upon receipt of the confidential request, the CAO (or Deputy CO) may attempt to address the conduct with the Council Member.
- (b) The CAO must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents in writing to disclosure.

4.1.2 How to Make a Complaint

- (a) A Member, Staff, or Volunteer may submit a Complaint to the CAO or, if the Complainant is the CAO or the Complaint involves or is about the CAO, then to the Corporate Officer.
- (b) A Complaint must be in writing and describe with sufficient detail:
 - i. the name of the Complainant;
 - ii. the name of the Respondent;
 - iii. the conduct that the Complainant alleges to have been breached;
 - iv. the date of the alleged conduct;
 - v. the parts of this Bylaw that the Complainant alleges have been breached; and
 - vi. the basis for the Complainant's knowledge about the conduct.
- (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- (d) The CAO (or Corporate Officer, if the CAO is the Complainant or the Complaint involves or is about the CAO) may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (c) if the circumstances warrant.
- (e) In the event that the Investigator receives multiple Complaints concerning the same matter, the Investigator must proceed with the first Complaint accepted and may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.
- (f) All Complaints must be made within 90 days of the Complainant knowing, or reasonably ought to have known, of the alleged breach of this Bylaw,

or within 90 days of the most recent incident of the alleged misconduct if it is a continuing contravention. The Investigator may extend this 90 day deadline up to an additional 90 days if circumstances warrant an extension.

- (g) Complaints regarding a Council Member seeking re-election may be made but must not be investigated in the period from the first day of the nomination period to the general voting day. In the event that a Complaint is filed prior to the first day of the nomination period, but remains unresolved by the start of and through the campaign period, the investigation will but suspended and may be continued into the next term unless the Complainant(s) or Respondent(s) do not seek or fail to gain re-election.
- (h) In the 90 days prior to general voting day, the Investigator may suspend any investigation that is underway.
- (i) Upon receipt of a Complaint, the CAO (or Corporate Officer, as the case may be) shall retain an Investigator.

4.1.3 Preliminary Assessment

- (a) On receipt of a Complaint, the Investigator must conduct a preliminary assessment to determine whether to proceed with an investigation.
- (b) The Investigator will provide the Respondent a summary of the Complaint.
- (c) After the preliminary assessment, or at any time thereafter, the Investigator is of the opinion that:
 - i. the Complaint is not with respect to a breach of this Bylaw;
 - ii. the Complaint is frivolous, vexatious, or not made in good faith;
 - iii. the investigation is or might be hampered, or the Council Member might be prejudiced, by the Complainant's failure to comply with Section 4.1.2(b), or otherwise cooperate with the investigation;
 - iv. the Complainant wishes to withdraw the Complaint and it would be appropriate in the circumstances to allow the withdrawal;
 - v. there are no grounds or insufficient grounds to conclude that a violation of this Bylaw has occurred; or
 - vi. the Complaint would be more appropriately addressed through another process or if the Complaint is already being addressed through another process, such as court proceeding or human rights complaint,

the Investigator decide not to proceed with a Complaint and must notify the Complainant, Respondent, and CAO (or the Corporate Officer, as the case may be) in writing that the Investigator is closing the Complaint, set out the reasons and close the Complaint.

- (c) Notwithstanding Section 4.1.3 (a) and (b), the Investigator may request further information from the Complainant before determining whether or not there are sufficient grounds that a breach of this Bylaw may have occurred.

4.1.4 Informal Resolution:

- (a) When the Investigator has decided to proceed with a Complaint, the Investigator must determine whether the Complaint requires a formal investigation or whether the Complaint may be resolved informally. In the latter case, the Investigator may either attempt to resolve the Complaint directly or refer the Complaint to the CAO (or Corporate Officer, as the case may be).
- (b) In making a determination under subsection 4.1.4(a), the Investigator shall give a strong preference to the informal resolution process wherever possible.
- (c) When determining whether the Complaint may be resolved informally, the Investigator may consider culturally appropriate, transformative or restorative justice approaches, and may engage a third party to assist the Investigator for this purpose.
- (d) Where the Investigator refers the Complaint in accordance with Section 4.1.4(a) the CAO may agree to assist in resolving the Complaint directly, or may appoint at their discretion a third party to assist in resolving the Complaint.
- (e) The third party assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may withdraw from assisting at any point.
- (f) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- (g) If a Complaint is resolved informally, the third party assisting in resolving the Complaint must notify the Investigator in writing of the terms of the resolution, upon receipt of which, the Investigator must close the Complaint.
- (h) If a Complaint cannot be resolved informally, the third party assisting in resolving the Complaint must refer the Complaint back to the Investigator for a formal investigation.

4.1.5 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Investigator must proceed with a formal investigation.
- (b) If the Investigator proceeds with a formal investigation, the Investigator will ensure that the investigation is conducted in a fair, timely, confidential manner and otherwise complies with the principles of due process, procedural fairness, and natural justice.

- (c) The Investigator will interview the Respondent, the Complainant, and any other individual who is relevant to the Complaint. The Respondent, Complainant, and other witnesses must agree to keep information discussed as part of the investigation confidential.
- (d) The Investigator may also request disclosure of records relevant to the Complaint, including records held by the Complainant, Respondent, third parties, or any record in the possession or control of the Village, except a record that is subject to solicitor-client privilege the Village.
- (e) Notwithstanding subsection 4.1.6(a) below, nothing prohibits the Investigator from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- (f) If the Investigator summarily dismisses a Complaint in the Formal Resolution stage, the Investigator shall report to the Complainant and Respondent in the manner similar to that as set out in 4.1.4(a).

4.1.6 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
 - i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
 - ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or
 - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,the Investigator may dismiss the Complaint, or part of the Complaint, and must notify the Complainant and CAO (or Corporate Officer, as the case may be) in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and recommendations the Investigator thinks appropriate.
- (b) If the Investigator, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* then the Investigator must immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension of the investigation to the CAO (or Corporate Officer, as the case may be).
- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Investigator may close the Complaint and notify the Complainant, Respondent and CAO (or Corporate Officer, as the case may be) of this decision.

4.1.7 Adjudication and Reporting:

- (a) The Investigator must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant, the Respondent, and the CAO (or Corporate Officer, as the case may be).
- (b) The Investigator shall, upon conclusion of the investigation prepare a report setting out their findings as to whether the Respondent breached the Bylaw and provide reasons for their determination and provide it to the CAO, or Corporate Officer, as the case may be, who will place the report on an in-camera agenda for receipt by Council.
- (c) If the Investigator concludes the Respondent breached the Bylaw the Investigator must make recommendations as to potential sanction(s) for the breach as set out below.
- (d) If the Investigator determines the Council Member took all reasonable steps to prevent the breach, or that the breach was trivial or done inadvertently or because of an error in judgment made in good faith, the Investigator will so state in the investigation report and may recommend that no sanction be imposed.
- (e) A letter confirming the investigation is complete, a summary of the conclusions and what steps, if any, Council will take will also be provided to the Complainant and the Respondent in due course, subject to any redactions necessary to comply with the *Freedom of Information and Protection of Privacy Act*.

4.1.8 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7, or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be given notice and an opportunity to be heard either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or for another valid reason, when Council votes on the investigation report, it will do so in a public meeting and a summary of the investigation report may be made available to the public in a form that complies with section 4.1.10(b).

- (d) Notwithstanding subsection 4.1.8(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*. For certainty, this means the investigative report or summary may not be publicly released.

4.1.9 Remedies

- (a) Sanctions that may be imposed for a violation of this Bylaw include the following:
- i. a letter of reprimand from Council addressed to the Council Member;
 - ii. the publication of the letters contemplated in subsections (i) and (ii), along with the Council Member's written response, if any;
 - iii. directions to the CAO regarding restricting how documents, including documents containing Confidential Information, are provided to the Council Member;
 - iv. disclosure to the public of the findings relating to the Council Member's breach of this policy
 - v. a requirement that the Council Member attend specific training or counselling;
 - vi. limitations on access to certain Village facilities;
 - vii. suspension or removal of the Council Member from some or all internal and external Council committees and bodies to which the Council Member was appointed at the pleasure of Council;
 - viii. restricting the Council Member from representing the Village at events and/or attending conferences and seminars;
 - ix. suspension or removal of the appointment of a Council Member as the Acting Mayor;
 - x. public censure of a Council Member;
 - xi. imposing further limits on council-related travel or expenses beyond those set out in corporate policies
 - xii. any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.
- (b) The Investigator may recommend that Council consider commencing an application for disqualification under section 111 of the *Community Charter* or for damages under section 117 of the *Community Charter*, as applicable.

4.1.10 Report to be Public

- (a) Unless deliberations have, pursuant to section 4.1.8(d), taken place in a closed Council meeting, the Village may, after delivering a copy of the investigation report to the Complainant and Council, make a summary of the investigation report available to the public.

- (b) In all circumstances, the Village will ensure that the investigation report or a summary complies with the Village's obligations regarding disclosure of affected individuals' personal information set out in the *Freedom of Information and Protection of Privacy Act* and ensure that appropriate redactions are applied and that Council complies with the Respondent Council Member's right to procedural fairness, prior to any release to the public.

4.1.11 Remuneration

a) Subject to Council's duty of procedural fairness towards the Respondent Council Member, where the Investigator finds that a Council Member:

- i. breached this Bylaw; or
- ii. submitted a complaint that was frivolous, vexatious, or made in bad faith

the remuneration to which that Council Member would otherwise be entitled shall be reduced in accordance with the Council Remuneration and Expenses Policy No. 1.16, as amended or replaced from time to time.

(b) Notwithstanding subsection 4.1.11(a)(i), the remuneration of a Council Member shall not be reduced if the Investigator makes a finding under section 4.1.7(d) that:

- i. the Council Member took all reasonable steps to prevent the breach;
- ii. the breach was trivial or inadvertent; or
- iii. the breach was because of an error in judgment made in good faith.

4.1.12 Confidentiality of the Investigation

- (a) The Investigator must make all reasonable efforts to investigate Complaints in confidence.
- (b) The Investigator and every person acting under the Investigators' instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or Complaint except as required by law.
- (c) An investigation report must only disclose such matters as, in the Investigator's opinion, are necessary for the purpose of the investigation report.

4.1.13 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

4.2 Committee Members

- 4.2.1 A Complaint of an alleged breach of this Bylaw by a Committee Member shall be submitted simultaneously in writing addressed to both the Mayor and CAO (or Corporate Officer, as the case may be) and within 90 days of the last alleged breach.
- 4.2.2 A Complaint must comply with the standards set out at section 4.1.2.
- 4.2.3 The Mayor shall consider the Complaint and direct that any enquiries considered appropriate or desirable be undertaken, including a referral to the CAO or the Investigator. For certainty, if the Complaint is referred to the CAO or the Investigator, then the processes and procedures in section 4.1 of this Bylaw may be utilized to the extent deemed necessary and appropriate.
- 4.2.4 Nothing in this Code is intended to abrogate the power of the Mayor or Council, as applicable, to remove, at their pleasure and at any time, any Committee Member from any committee to which they have been appointed.

4.3 Reprisals and Obstruction

- 4.3.1 No Council Member, Committee Member, or Staff will threaten, interfere with, or otherwise obstruct the Investigator in relation to the Investigator carrying out the duties and responsibilities under this Bylaw.
- 4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any reprisal against a Complainant or against a person who provides information to the Investigator in the context of an investigation.
- 4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Investigator when questioned regarding an investigation.
- 4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above or the termination of employment for just cause, as applicable.

4.4 Reimbursement of Costs

- 4.4.1 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

(a) it is the Council Member's first formal complaint process; and

(b) the amount does not exceed \$10,000.

4.4.2 For clarity, the provisions of the Indemnification Bylaw, as replaced or amended from time to time, do not apply to requests for reimbursement under this Bylaw.

4.5 Vexatious Allegations and Complaints

4.5.1 Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:

- (a) in the case of Council Members, sanctions and remedies described in Section 4.1.9;
- (b) in the case of Committee Members, termination of the Committee Member's appointment;
- (c) in the case of Staff, disciplinary action or the termination of employment for just cause, as applicable.

PART 5 – APPOINTMENT OF INVESTIGATOR

5.1 Appointment of Investigator

5.1.1 The CAO shall, upon receipt of a Complaint, appoint an Investigator to fulfill the duties and responsibilities described in section 5.2.

5.2 Duties and Responsibilities

5.2.1 The duties and responsibilities of the Investigator are as follows:

- (a) to assist with informal resolution of a confidential request or Complaint;
- (b) to receive and assess a Complaint to determine if the Complaint must be rejected, dismissed, closed, resolved or investigated;
- (c) to investigate and conduct inquiries as to alleged violations of this Bylaw;
- (d) to report to Council as to whether a Member has breached this Bylaw;
and
- (e) to make recommendations on an appropriate remedy, if the Investigator determines that a Member has breached this Bylaw.

5.2.2 The Investigator must perform the duties and responsibilities under this Bylaw in an independent manner.

5.2.3 An Investigator may only be dismissed for cause.

PART 6 – ENACTMENT

6.1 Effective Date

This bylaw comes into force and effect on adoption.

READ A FIRST time this XX day of XXXX, 202X.

READ A SECOND time this XX day of XXXX, 202X.

READ A THIRD time this XX day of XXXX, 202X.

ADOPTED this XX day of XXXX, 202X.

Ed Wood, Mayor

Kelly Ridley,
Interim Chief Administrative
Officer
Acting Corporate Officer