



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
SPECIAL MEETING
OF MUNICIPAL COUNCIL
MONDAY, JULY 9, 2012**

**5:45 P.M.
COUNCIL CHAMBERS**

PRESENT:

Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Dave Hodgins
Councillor Lynda Hundleby
Councillor David Schinbein

REGRETS:

Councillor Robert McKie
Councillor Tim Morrison

STAFF:

Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering and Public Works
Scott Hartman, Director of Parks and Recreation Services
Bill Brown, Director of Development Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the Special Meeting of Council to order at 5:45 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That the Agenda be approved as amended, by moving Item 13. (1) Rise and Report to after Item 9 Public Input, and by deleting Item 8. (2) Certificates of Appreciation to Members of the Esquimalt Policing and Law Enforcement Advisory Panel.

CARRIED UNANIMOUSLY.

Mayor Desjardins stated that Certificates of Appreciation to members of the Esquimalt Policing and Law Enforcement Advisory Panel would be presented at a meeting when all members could attend.

4. MOTION TO GO *IN CAMERA*

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss:

- Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
- Labour relations or other employee relations; and
- The acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- Discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 (*annual municipal report*)

in accordance with Section 90 (1) (a), (c), (e) and (l) of the *Community Charter*, and that the general public be excluded.

CARRIED (Councillor Hodgins opposed).

5. RECESS THE SPECIAL MEETING OF COUNCIL

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the Special Meeting of Council recess at 5:50 p.m.

CARRIED UNANIMOUSLY.

6. RECONVENE THE SPECIAL MEETING OF COUNCIL

Mayor Desjardins called the Special Meeting of Council to order at 7:00 pm.

Mayor Desjardins announced the death of Chief Robert Sam of the Songhees Nation and expressed her condolences to his family, friends and community.

7. MINUTES

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That the following minutes be adopted by Council:

- (1) Minutes of the Regular Meeting of Council, June 25, 2012; and
- (2) Minutes of the Special Meeting of Council, July 4, 2012.

CARRIED UNANIMOUSLY.

8. PRESENTATIONS

- (1) Janet Jones, Chair, Centennial Celebrations Select Committee, Centennial Update

Janet Jones, Chair, Centennial Celebrations Select Committee gave an update on the activities of the Centennial celebrations for Esquimalt and answered questions from Council.

9. PUBLIC INPUT

Terry Prentice, resident, noted that the recommended changes of the 2002 reorganization of the Esquimalt policing services were not adequately carried out by the Victoria Police Board, and he expressed concern that measures must be in place to ensure that the changes recommended in the Ministry of Justice mediator's report are followed, with all costs borne by the Ministry.

Darwin Robinson, resident, expressed concern over the issue of policing costs for the Township of Esquimalt in relation to other municipalities of similar size.

Steve Klein, resident, expressed his appreciation to the Policing Advisory Panel members for their dedicated work. He questioned Council about the costs for a legal opinion and possible litigation regarding the Province's decision on policing for Esquimalt.

Gordon Stewart, resident, suggested that the Township of Esquimalt has a policy complaint with the Victoria Police Department and need to sue the Provincial Government for forcing their policing services decision on the municipality.

Guy Christ, resident, expressed concern for Council's decision to obtain a legal opinion and not obey the Province's decision and the mediator's recommendations for policing services in the Township of Esquimalt.

Vicky Vukmirovic, resident, expressed concern with the Victoria Police Department and the absence of the Police Chief at this meeting.

Mike Tucker, police officer with VicPD, expressed his appreciation for the endorsement of Victoria Police Department by the Ministry of Justice in supporting the recommendations of the mediator's report.

He expressed concern with Esquimalt Council's refusal to accept the decision of the Province.

Muriel Dunn, resident, expressed appreciation to Council and concern with the on-going secrecy with respect to Council's recommendation for policing services.

Rod Lavergne, resident, encouraged Council to seek a legal opinion on their jurisdiction under the *Community Charter* and the *Police Act* for the provision of policing services.

Kris Starkey, resident, expressed his appreciation to the volunteer members of the Esquimalt Policing and Law Enforcement Advisory Panel and expressed concern with the process in providing policing services to Esquimalt.

Bruce Cuthbert, resident, expressed his appreciation to all those who have worked on this issue, and pointed out that a decision has been made and Council should try to make it work.

Lynn Shaw-Ringham, resident, expressed appreciation for the Victoria Police Department's bicycle units and presence in the community.

13.

RISE AND REPORT

- (1) Report from the *In Camera* Meeting of Council, July 4, 2012 re: Policing Services – Discussion Re: Ministry of Justice Mediator's Report and Next Steps

Mayor Desjardins read aloud the Rise and Report from the Special *In Camera* meeting of Council held on July 4, 2012, that Council passed the following resolutions:

1. That Council directs that the Ministry of Justice mediator's report on Victoria and Esquimalt Policing – Governance and Funding Issues be added to the agenda for the Special Council meeting on Monday, July 9, 2012 for discussion.
2. That the Township of Esquimalt seek legal advice regarding jurisdiction under the *Community Charter* and the *Police Act* for the provision of policing services.
3. That the Township of Esquimalt request that both the RCMP and Victoria Police Department, who submitted proposals under RFP #ESQ-01-011, to release their proposals to the public.

Mayor Desjardins stated that the purpose of the discussion of the Ministry of Justice mediator's report was to formulate a written response from Council.

Council Comments:

- Concern that the public needs to be involved in this critical decision-making process;

- Feel betrayed by the Province in that they did not consider the Esquimalt Policing and Law Enforcement Advisory Panel's recommendation;
- Not sufficient good will between Esquimalt and Victoria to implement the recommendations of the mediator's report;
- Council asked for copy of the mediator's report in March, 2012 but only received it June 25th, a day before the Minister made it public;
- Province should pay all costs of the Panel process, the mediator's report and negotiations for a framework agreement;
- Recommendations of the Audit were not followed therefore no faith that the 43 recommendations of the mediator will be followed;
- Need an exit strategy written into any framework agreement – key to going forward with the mediator's recommendations;
- No opportunity, with the recent public release of the mediator's report, for Council to review and provide a written response to the Province.

MOTION: Moved by Councillor Hodgins/Councillor Brame:

That Council receive for information the Ministry of Justice mediator's report on Victoria and Esquimalt Policing – Governance and Funding Issues; and

That the mediator's report be forwarded to a future public Council meeting for discussion of a written response to the Ministry of Justice.

CARRIED UNANIMOUSLY.

RECESS AND RECONVENE

The Special Meeting of Council recessed at 8:49 p.m. and reconvened at 9:00 p.m. with the following present:

Mayor Barbara Desjardins
 Councillor Meagan Brame
 Councillor Dave Hodgins
 Councillor Lynda Hundleby
 Councillor David Schinbein

Laurie Hurst, Chief Administrative Officer
 Jeff Miller, Director of Engineering and Public Works
 Scott Hartman, Director of Parks and Recreation Services
 Bill Brown, Director of Development Services
 Anja Nurvo, Manager of Corporate Services
 Louise Payne, Recording Secretary

10. STAFF REPORTS

Administration

- (1) Governance Success Session – Follow Up Actions, Staff Report No. ADM-12-042

The Chief Administrative Officer presented Staff Report No. ADM-12-042 and answered questions from Council.

MOTION: Moved by Councillor Brame/Councillor Hundleby:

1. That Council adopt the Organizational Success Discussion Guidelines, Roles and Responsibilities Guidelines, Decision Making Guidelines and Priority Setting Guidelines as attached to Staff Report No. ADM-12-042; and
2. That Council direct staff to prepare a report with recommendations on initiating the use of the Request for Decision and Direction Request formats and revision of the Committee of the Whole format including all necessary changes required to existing policies, procedures and bylaws and that the report be brought back to the Regular Council meeting scheduled for August 20, 2012; and
3. That Council direct staff to initiate the use of a Follow Up Action List and that the list be available for Council review.

CARRIED UNANIMOUSLY.

Engineering and Public Works

- (2) Traffic Order #1197 – Colville Road – 1100 Block Residential Only Parking Restriction, Staff Report No. EPW-12-015

The Director of Engineering and Public Works presented Staff Report No. EPW-12-015 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:

That Council approve the following Traffic Order:

- TO#1197 – That Residential Only parking signs be placed along the south side of Colville Road from 1187 to 1143.

CARRIED UNANIMOUSLY.

- (3) Contract Award – Craigflower Road Corridor Upgrade Phase 3, Staff Report No. EPW-12-016

The Director of Engineering and Public Works presented Staff Report No. EPW-12-016 and answered questions from Council.

Council comments (re: additional works):

- Concrete wall on Craigflower Road – remove industrial blocks and replace with rock and mortar wall;
- Electrical services including electrical outlets to existing islands for future use;
- Additional asphalt repair work;
- Replacing existing curb and gutter and sidewalk panels;
- Provision of additional banner poles complete with lighting.

MOTION: Moved by Councillor Hodgins/Councillor Brame:

1. That the construction contract be awarded to Brunnell Construction Ltd. for the sum of \$506,470.00 excluding the HST; and
2. That staff issue Contemplative Change Orders to the contractor to receive pricing for additional works prioritized by Council to maximize the upgrades with the balance of funds remaining as follows:
 - Electrical services including electrical outlets to existing

- median islands for future use;
- Replacing a lock block retaining wall with a more aesthetically pleasing rock and mortar wall on Craigflower Road; and
 - Roadway lighting upgrades, which could include items like replacing the existing deteriorating cobra head roadway lights with new flat lens lighting.

CARRIED (Councillors Hundleby and Schinbein opposed).

Parks and Recreation

- (4) Contract Award – Recreation Centre Energy & Mechanical Upgrades, Staff Report No. P&R-12-004

The Director of Parks and Recreation Services reviewed Staff Report No. P&R-12-004 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:

1. That Council award the contract for the Esquimalt Recreation Centre – Aquatic Centre Energy Retrofit Project to Coral engineering at the bid amount of \$1,048,923 not including tax.
2. That Council authorize the Mayor and Corporate Officer to execute the contract agreement for Engineering and Construction Services with Coral Engineering.

CARRIED UNANIMOUSLY.

Development Services

- (5) Bylaw to Require “Bi-directional Antennae” in New Large Buildings, Staff Report No. DEV-12-029

The Director of Development Services reviewed Staff Report No. DEV-12-029 and answered questions from Council.

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That Council direct staff to develop a bylaw requiring developers of new buildings that will likely interfere with emergency communications to install bi-directional antenna(e) in their buildings subject to obtaining a legal opinion on statutory authority.

CARRIED UNANIMOUSLY.

- (6) Heritage Policy Update – Amendment, Staff Report No. DEV-12-030

The Director of Development Services reviewed Staff Report No. DEV-12-030 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:

That Council approve an amendment to Council Policy HER-05 – Heritage Policy Update that was adopted by Council May 16, 2011 to include the addition of the following statement:

“Esquimalt became a focal point of activity during the Second World War, with Pacific Command Headquarters set up at Work Point Barracks. At one point these staging grounds held 10,000 troops and officers training before deployment.”

And direct staff to make arrangements with contractor Donald Luxton & Associates Inc. to include the addition of the statement to the "History of Esquimalt" section of the Heritage Policy Update, as recommended by the Heritage Advisory Committee at their June, 2012 meeting.

CARRIED UNANIMOUSLY.

11. MAYOR'S AND COUNCILLORS' REPORTS

- (1) Report from Councillor Schinbein, Re: Presentation of Award from the Khalsa Diwan Society of Victoria

Councillor Schinbein presented Mayor Desjardins with a token of appreciation from the Khalsa Diwan Society of Victoria in celebration of their centennial year, which he had accepted as Acting Mayor in May.

12. COMMUNICATIONS

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That the following correspondence be received for information:

- (1) Letter from Peter MacKay, Minister of National Defence, dated June 18, 2012, Re: Staggered Work Hours and Cessation of Blue Boat Service at CFB Esquimalt
- (4) Email from Graham Lang, dated June 28, 2012, Re: Today's News
- (5) Email from Warren Carrie, dated June 28, 2012, Re: Today's News
- (6) Email from Richard Mandy, dated June 28, 2012, Re: Esquimalt Police Panel
- (7) Letter from Terry Prentice, dated June 30, 2012, Re: Policing in the Township of Esquimalt
- (8) Email from Donna Humphries, dated July 1, 2012, Re: Esquimalt Police Advisory Board/Panel

CARRIED UNANIMOUSLY.

- (2) Letter from Mr. Geoff Young, Chair, Capital Regional District, dated June 20, 2012, Re: District of Central Saanich Regional Context Statement – Notification by Eligible Party of Intention to be a Participating Party in Final Proposal Arbitration Process under S.860 of the *Local Government Act*

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That the letter from Geoff Young, Chair, Capital Regional District, dated June 20, 2012 regarding District of Central Saanich Regional Context Statement – Notification by Eligible Party of Intention to be a Participating Party in Final Proposal Arbitration Process under S.860 of the *Local Government Act* be received; and

That staff be directed to send a letter of acknowledgement of receipt of this correspondence.

CARRIED UNANIMOUSLY.

- (3) Letter from Crystal Dunahee, Child Find BC, dated June 25, 2012, Re: 21st Annual Michael Dunahee Slo-pitch Tournament of Hope

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the letter from Crystal Dunahee, Child Find BC, dated June 25, 2012 regarding 21st Annual Michael Dunahee Slo-pitch Tournament of Hope be received; and
That staff be directed to provide an in-kind donation valued at up to \$100.00; and
That staff send a letter to Child Find BC clarifying Local Grants and requesting that their application for Local Grants include a request for all their events for the year.

CARRIED UNANIMOUSLY.

14. PUBLIC QUESTION AND COMMENT PERIOD

Bruce McIlldoon, resident, expressed his appreciation for the work on the policing issue and expressed concern with the costs for policing in Esquimalt which were not sustainable.

Darwin Robinson, resident, reported on the sale of Centennial Books and expressed concern with the money spent and proposed to be spent in future on the policing services issue.

Bruce Cuthbert, resident, expressed appreciation to Council for the public meeting on the mediator's report which has been helpful in understanding the issues.

Marv Ringham, resident, expressed concern with the issue of naming of the Police Department, and suggested that Council prioritize the 43 recommendations in the mediator's report for negotiations.

Sherri Robinson, resident, expressed concern with the errors in the mediator's report and the references to Esquimalt's reputation.

15. ADJOURNMENT

MOTION: Moved by Councillor Hundleby/Councillor Brame:
That the Special Meeting of Council be adjourned at 9:56 p.m.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 17TH DAY OF SEPTEMBER, 2012

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER