

THE CORPORATION OF THE CITY OF GRAND FORKS
AGENDA – REGULAR MEETING
Monday, April 10, 2017, at 7:00 pm
7217 - 4th Street, City Hall Council Chambers

<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1. <u>CALL TO ORDER</u>		
2. <u>ADOPTION OF AGENDA</u>		
a) Adopt agenda	April 10, 2017, Regular Meeting agenda	THAT Council adopts the April 10, 2017, Regular Meeting agenda as presented.
3. <u>MINUTES</u>		
a) Adopt minutes Minutes - March 27, 2017, Regular Mtg. - Not Yet Adopted	March 27th, 2017, Regular Meeting minutes	THAT Council adopts the March 27th, 2017, Regular Meeting minutes as presented.
4. <u>REGISTERED PETITIONS AND DELEGATIONS</u>		
5. <u>UNFINISHED BUSINESS</u>		
6. <u>REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL</u>		
a) Corporate Officer's Report RFD - Proc. Bylaw-CAO - Rpts., Questions, & Inquiries from Council Councillor Butler - Report April 10, 2017 Councillor Tripp - Report for April 10th, 2017	Written reports of Council	THAT all written reports of Council submitted to the April 10th, 2017, Regular Meeting be received.
7. <u>REPORT FROM COUNCIL'S REPRESENTATIVE TO THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY</u>		
a) Corporate Officer's Report RFD - Proc. Bylaw-Council - RDKB Council's Rep.	Verbal report from Council's representative to the Regional District of Kootenay Boundary Read the RDKB agendas	THAT Mayor Konrad's report on the activities of the Regional District of Kootenay Boundary, given verbally at this meeting be received.
8. <u>RECOMMENDATIONS FROM STAFF FOR</u>		

DECISIONS

- a) Manager of Development & Engineering Services
[RFD - Mgr. of Dev & Eng - Subdivision 6401 Highway 3](#)

Subdivision application for 6401 Highway #3

THAT Council determines whether to approve the application for Development Permit for Subdivision and Subdivision Application for 6401 Highway #3.

9. **REQUESTS ARISING FROM CORRESPONDENCE**

10. **INFORMATION ITEMS**

- a) Michelle Mungall, MLA, Nelson-Creston
[SOII - MLA Michelle Mungall re Affordable Housing](#)

Letter regarding affordable housing with reference to the Grand Forks Affordable Housing Survey

THAT Council receives the letter from MLA Michelle Mungall on affordable housing for information.

11. **BYLAWS**

- a) Deputy Corporate Officer
[Bylaw 1958-A2 - RFD - Dep. Corp. Officer - Fees & Charges Amendment](#)

Fees & Charges Amendment Bylaw No. 1958-A2

THAT Council gives final reading to the Fees & Charges Amendment Bylaw No. 1958-A2.

- b) Deputy Manager of Operations
[Bylaw 1798-A1 - RFD - Dep. Mgr. of Ops. - Garbage Regulations](#)

Bylaw No. 1798-A1 - Garbage Regulations and Rates Amendment Bylaw

THAT Council gives final reading to the 'Garbage Regulations and Rates Amendment Bylaw No. 1798-A1, 2017'.

- c) Chief Financial Officer
[Bylaw 2015-A2 - RFD - CFO - Electrical Utility Regulations](#)

Bylaw No. 2015-A2 - Electrical Utility Regulatory Amendment Bylaw

THAT Council gives final reading to the 'Electrical Utility Regulatory Amendment Bylaw No. 2015-A2, 2017'.

- d) Chief Financial Officer
[Bylaw 2036 - RFD - CFO - 2017-2021 Financial Plan](#)

Five Year Financial Plan Bylaw No. 2036

THAT Council gives final reading to the Five Year Financial Plan Bylaw 2017-2021, No. 2036.

12. **LATE ITEMS**

13. **QUESTIONS FROM THE PUBLIC AND THE MEDIA**

14. **ADJOURNMENT**

THE CORPORATION OF THE CITY OF GRAND FORKS

REGULAR MEETING OF COUNCIL
Monday, March 27, 2017

NOT ADOPTED
SUBJECT TO CHANGE

PRESENT:

MAYOR FRANK KONRAD
COUNCILLOR CHRIS HAMMETT
COUNCILLOR NEIL KROG
COUNCILLOR COLLEEN ROSS
COUNCILLOR CHRISTINE THOMPSON
COUNCILLOR BEVERLEY TRIPP

CHIEF ADMINISTRATIVE OFFICER - Interim/
CORPORATE OFFICER
CHIEF FINANCIAL OFFICER
DEPUTY CORPORATE OFFICER
MANAGER OF OPERATIONS
DEPUTY MANAGER OF OPERATIONS

D. Heinrich
J. Rhodes
D. Drexler
D. Reid
C. Gates

GALLERY

ABSENT:

COUNCILLOR JULIA BUTLER ("with notice")

1. CALL TO ORDER

- a) Mayor Konrad called the March 27, 2017, Regular Meeting to order at 7:00 pm.
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2. ADOPTION OF AGENDA

- a) Adopt agenda
March 27, 2017, Regular Meeting agenda

MOTION: KROG / ROSS

RESOLVED THAT Council adopt the March 27, 2017, Regular Meeting agenda as presented.

CARRIED.

3. MINUTES

- a) Adopt minutes
March 9, 2017, Special Meeting to go In-Camera minutes

MOTION: TRIPP / HAMMETT

RESOLVED THAT Council adopts the March 9, 2017, Special Meeting to go In-Camera minutes as presented.

CARRIED.

NOT ADOPTED
SUBJECT TO CHANGE

-
- b) Adopt minutes
March 13, 2017, Committee of the Whole Meeting minutes

MOTION: THOMPSON / ROSS

RESOLVED THAT Council adopts the March 13, 2017, Committee of the Whole Meeting minutes as presented.

CARRIED.

-
- c) Adopt minutes
March 13, 2017, Regular Meeting minutes

MOTION: HAMMETT / ROSS

RESOLVED THAT Council adopts the March 13, 2017, Regular Meeting minutes as presented.

CARRIED.

4. REGISTERED PETITIONS AND DELEGATIONS

5. UNFINISHED BUSINESS

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

- a) Corporate Officer's Report
Written reports of Council

Discussion ensued regarding:

- Councillor Tripp's report.
- Social Media pages with Councillor comments and Council reports on those pages. Members of Council commented that these postings of Council members are causing issues with the operations of the City.
- Councillor Hammett's involvement at the Gazette. Councillor Hammett explained she is in charge of advertising only while a staff member is off on leave. Councillor Hammett plans to continue retirement once the Gazette staff member returns to work.

- Suggestion from Councillor Tripp regarding the recording of Council In-Camera minutes. The Mayor spoke regarding the authentication process being followed by staff and Council
- The Mayor spoke about Council behavior between one another. The Mayor explained he was disappointed with Council regarding the discussion of issues in the public.

NOT ADOPTED
SUBJECT TO CHANGE

MOTION: TRIPP / ROSS

RESOLVED THAT all written reports of Council submitted to the March 27, 2017, Regular Meeting be received.

CARRIED.

7. REPORT FROM COUNCIL'S REPRESENTATIVE TO THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY

- a) Corporate Officer's Report
Verbal report from Council's representative to the Regional District of Kootenay Boundary

Mayor reported on BEDC, COW, and Board meetings.

Discussion ensued regarding:

- Solid Waste Program and Alpine's contract
- Animal Control Program
- Okanagan Film Commission and animation/video creation jobs
- Tax incentives for film and tech industry in Richmond

MOTION: ROSS / HAMMETT

RESOLVED THAT Mayor Konrad's report on the activities of the Regional District of Kootenay Boundary, given verbally at this meeting be received.

CARRIED.

8. RECOMMENDATIONS FROM STAFF FOR DECISIONS

- a) Deputy Corporate Officer
Campground insurance

MOTION: HAMMETT / THOMPSON

RESOLVED THAT Council approves the Service Provider Agreement of the Municipal Insurance Association of BC for the Campground Host Service between the City of Grand Forks and Joan Heart with the dates as set out in the Service Provider Agreement to be adjusted annually following the seasonal campground operations schedule.

CARRIED.

-
- b) Deputy Manager of Operations
Policy 114 - Commercial Use of Public Property

MOTION: KROG / TRIPP

RESOLVED THAT Council updates 'Policy 114 - Commercial Use of Public Property' as presented.

CARRIED.

9. REQUESTS ARISING FROM CORRESPONDENCE

10. INFORMATION ITEMS

- a) BC Healthy Living Alliance
Information on 'Communities on the Move'

MOTION: HAMMETT / TRIPP

RESOLVED THAT Council receives for information to determine to show support of the initiative (no monetary value).

CARRIED.

-
- b) Regional District of Kootenay Boundary (RDKB)
In association with Earth Day, April 22nd, promoting 'Trash to Treasure' as a waste reduction activity

MOTION: HAMMETT / TRIPP

RESOLVED THAT Council receives for information purposes the correspondence on the RDKB's 'Trash to Treasure' day event.

CARRIED.

-
- c) Public Correspondence
Email correspondence from Stan Halluk with Mayor Konrad's reply regarding City Administration

Discussion ensued regarding a possible review of Mr. Weisner's Report from 2003. Due to significant changes in the organisational structure as compared to 14 years ago, the report would not be reflective of today's needs.

MOTION: TRIPP / HAMMETT

RESOLVED THAT Council receives for information purposes the email correspondence from Stan Halluk regarding City Administration.

CARRIED.

NOT ADOPTED
SUBJECT TO CHANGE

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- d) Grand Forks Slow-Pitch Tournament
Requesting permission for a Special Occasion Liquor Licence from 5:00-10:00 pm on July 14 and from 11:00 am-10:00 pm on July 15&16, 2017, at Dick Bartlett Park for the annual slow-pitch tournament.

MOTION: HAMMETT / THOMPSON

RESOLVED THAT Council approves the issuing of a Special Occasion Liquor Licence to the Grand Forks Slow-Pitch Tournament from 5:00-10:00 pm on July 14 and from 11:00 am-10:00 pm on July 15&16, 2017, at Dick Bartlett Park, subject to obtaining third party (party alcohol) liability insurance naming the City of Grand Forks as an additional insured on that policy; all event liquor providers to hold a Serving It Right Licence Certificate; and ICBC "Drinking and Driving" warning posters to be displayed.

CARRIED.

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- e) Government of Canada - Infrastructure Canada
Approved funding for projects in BC under the Clean Water and Wastewater Fund (CWWF). Grand Forks projects and allocations are attached.

Members of Council thanked Staff and former Chief Administrative Officer Mr. Allin for their work regarding the grant applications.

MOTION: THOMPSON / TRIPP

RESOLVED THAT Council receives for information the approved funding for projects in BC under the Clean Water and Wastewater Fund.

CARRIED.

11. **BYLAWS**

- a) Deputy Corporate Officer
Fees & Charges Amendment Bylaw No. 1958-A2

discussion regarding:

- campground rates and cancellation fees
- overall increases for electrical and garbage fee adjustments
- meter read charges for manual reads and initial setup
- frequency of electrical readings and type of meters regarding manual meters.

MOTION: THOMPSON / TRIPP

**RESOLVED THAT Council gives the first three readings to the Fees & Charges Amendment Bylaw No. 1958-A2;
AND FURTHER RESOLVED THAT Council instructs staff to present the amendment bylaw for adoption at the April 10, 2017, Regular Meeting.**

CARRIED.

-
- b) Deputy Manager of Operations
Bylaw 1798-A1 - Garbage Regulations and Rates Amendment Bylaw

Council asked to change the name of the bylaw when the next amendment is brought forward to "Solid Waste" from "Garbage".

MOTION: THOMPSON / TRIPP

**RESOLVED THAT Council gives the first three readings of the 'Garbage Regulations and Rates Amendment Bylaw No. 1798-A1, 2017';
AND FURTHER RESOLVED THAT Council directs staff to present the amendment bylaw for adoption at the April 10, 2017, Regular Meeting.**

CARRIED.

-
- c) Manager of Operations
Bylaw 2015-A2 - Electrical Utility Regulatory Amendment - housekeeping changes

MOTION: TRIPP / THOMPSON

RESOLVED THAT Council includes in Bylaw 2015-A2 the housekeeping amendment to Appendix 1 Schedule B Section 3.5b from 'five (5) years' to 'fifteen (15) years'.

CARRIED.

-
- d) Chief Financial Officer
Bylaw 2015-A2 - Electrical Utility Regulatory Amendment Bylaw

MOTION: THOMPSON / TRIPP

**RESOLVED THAT Council gives the first three readings of the 'Electrical Utility Regulatory Amendment Bylaw No. 2015-A2, 2017';
AND FURTHER RESOLVED THAT Council directs staff to present the amendment bylaw for adoption at the April 10, 2017, Regular Meeting.**

CARRIED.

-
- e) Chief Financial Officer
Five Year Financial Plan Bylaw No. 2036

Discussion regarding the financial plan and capital project meetings schedule. Overall solid plan presented by the Chief Financial Officer.

NOT ADOPTED
SUBJECT TO CHANGE

MOTION: THOMPSON / TRIPP

RESOLVED THAT Council gives first three readings to the Five Year Financial Plan 2017-2021 Bylaw No. 2036.

CARRIED.

12. LATE ITEMS

13. QUESTIONS FROM THE PUBLIC AND THE MEDIA

- a) Ray Hansen:
- discussion regarding increases on solid waste collection fees and the program as a whole.

Gene Koch, Gloria Koch and Dean Engen spoke regarding In-Camera audio recordings of meetings.

Council and the interim Chief Administrative Officer spoke regarding:

- the written minutes as factual actions of the business of the City
- not as verbatim discussion
- the authentication process of the minutes
- Section 90 requirements
- problematic technological issues around possible FOI requests for In-Camera items.

Les Johnson:

- discussion regarding recording minutes and making those available to the public
- Grand Forks has a lot to offer: cheaper cost of living, natural wonders, quality of life, Fiber optics and animation/tech job possibilities; Council should use these items to market the City and attract new residents.

Chris Palmer:

- He could not attend the past COTW meeting but reviewed it online. Asked who to contact regarding questions about the Financial Plan. Council and Staff advised that the best would be the Chief Financial Officer via email or in writing.

Tom Tripp:

- updated Council on Councillor Butler's attempts to connect to this meeting remotely

Nigel James:

- discussed rate changes for utilities
- information regarding 2009 survey

14. **ADJOURNMENT**

a) Mayor Konrad adjourned the March 27, 2017, Regular Meeting at 8:43 pm.

MOTION: KROG / ROSS

RESOLVED THAT the meeting be adjourned at 8:43 pm

CARRIED.

CERTIFIED CORRECT:

MAYOR FRANK KONRAD

DEPUTY CORPORATE OFFICER – DANIEL
DREXLER

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council
From: Procedure Bylaw / Chief Administrative Officer
Date: April 10th, 2017
Subject: Reports, Questions and Inquiries from the Members of Council
Recommendation: **RESOLVED THAT ALL WRITTEN REPORTS SUBMITTED BY MEMBERS OF COUNCIL, BE RECEIVED.**

BACKGROUND: Under the City's Procedures Bylaw No. 1946, 2013, the Order of Business permits the members of Council to report to the Community on issues, bring community issues for discussion and initiate action through motions of Council, ask questions on matters pertaining to the City Operations and inquire on any issues and reports.

Benefits or Impacts of the Recommendation:

General: The main advantage of using this approach is to bring the matter before Council on behalf of constituents. Immediate action might result in inordinate amount of resource inadvertently directed without specific approval in the financial plan.

Strategic Impact: Members of Council may ask questions, seek clarification and report on issues.

Policy/Legislation: The Procedure Bylaw is the governing document setting out the Order of Business at a Council meeting.

Recommendation: **RESOLVED THAT ALL WRITTEN REPORTS SUBMITTED BY MEMBERS OF COUNCIL, BE RECEIVED.**

- OPTIONS:**
1. RESOLVED THAT ALL WRITTEN REPORTS SUBMITTED BY MEMBERS OF COUNCIL, BE RECEIVED
 2. RESOLVED THAT COUNCIL DOES NOT RECEIVE THE REPORTS FROM MEMBERS OF COUNCIL.

Department Head or CAO	Chief Administrative Officer

Councillor's Report

April 10, 2017

Julia Butler

Note: For clarity, in this report, I have highlighted questions that I am asking to be answered during discussion at the meeting.

With baseball season just starting up for the year, teams are setting schedules and booking fields. One asset that seems to be underutilized, with confusion surrounding it, is the batting cages at James Donaldson Park. Who owns this facility? Who books it and what are the policies in place to govern it? The Rec Commission asked these questions last year and now with ball season upon us I'd like to get things straightened out so that our players can have every advantage available to them. The Rec Department believes that this facility falls under the jurisdiction of the city so I would like to ask staff to clarify the above questions and make the batting cages available this season.

Council will also continue looking at the SCP (Sustainable Community Plan) this month and hopefully detail the form and character requirements along Central Ave. Many tourists and residents alike, comment on the beauty of this section of Hwy 3. With its heritage homes, well maintained boulevards and large maples, this tree lined corridor is a shining jewel in Grand Forks. My vision for this area would continue the theme of large trees further east and west right to city limits (and possible farther if Area D were to see value in such an endeavour). Form and character for new buildings would also strive to maintain the heritage style of early Grand Forks, combined with modern building codes. I understand that on lots yet to be developed, trees should wait to be planted until they aren't in the way of backhoes and bulldozers but in areas that are already established, I would like to see new plantings be in the budget for next year. I would ask that this be included as a topic of discussion when we do our next review of the SCP.

I was disappointed to have missed our last meeting, as I was out of the country. I had asked the Mayor, in an email, to install "Whatsapp" on his phone in order to make a free international call or to arrange a meeting with IT personal to discuss an alternative but nothing came of my request. I would ask that we still look into these options for future meetings so that councillors who want to participate can be afforded the opportunity to do so as per section 12.14 (b) of our procedures bylaw and section 128 of the Community Charter.

Respectfully submitted,

Julia Butler

Beverley Tripp - Councillor's Report for April 10th, 2017.

Seniors Wellness Center in Kelowna

Members of Council were in receipt of a Press Release from Interior Health announcing a Seniors Wellness Center opening in Kelowna: While this announcement is great for seniors in Kelowna, I would like to see this service here in Grand Forks, not 200 kms away, where many of our seniors are not able to access it. The report states that in the Interior Health catchment area, seniors (those over 65) make up more than 22 percent of the population. According to 2011 census records, seniors made up 35 percent of our population then, and I would guess that we're significantly higher than that now. I believe we should be engaging with Interior Health to remind them of our needs in this community, and lobby for similar programs closer to home. I have asked other council members what we can do in this regard, and I would like to discuss this at our council meeting, as I believe that we will have a greater impact addressing this together as a collective group.

BCWF Townhall Meeting

As a member of the BC Wildlife Federation, I attended the BCWF Townhall Meeting on Thursday, March 23rd that dealt with the struggles of wildlife and fish habitats, and funding issues for fish and wildlife management in BC. Jesse Zeman of the BCWF delivered a very sobering powerpoint presentation that outlined the dire neglect of provincial spending on natural resource management since the 70s. This has resulted in a situation that is now at critical levels for several wildlife and fish populations. So much for Super, Natural, British Columbia!

As one of the most bio-diverse jurisdictions in North America (and even the world!), BC wildlife is *drastically underfunded* compared to other provinces and states in western North America. The end goal, Jesse said, is to address how we recover this resource, i.e. how do we make more fish and wildlife for future generations? To make this happen, he said that we need a marriage of funding, science and social support. He encouraged attendees to contact their MLAs and candidates to ask them what they plan to do to support fish and wildlife management/population recovery, and to ensure that there is access to this resource for future generations. The message was: If enough people speak out, we *will* get results. Visit bcwf.net for more information.

Motion to Audio-Record In Camera Meetings

Following up on my last councillor's report, where I stated that it was my intention to bring a motion forward regarding audio recordings of In Camera meetings, I found the following information from the Ombudsperson on *Open Meetings: Best Practices Guide for Local Governments* (Special Report No. 34 September 2012 to the Legislative Assembly of British Columbia), which states (underlined, bolded sections mine):

Local governments should record minutes for closed meetings in at least as much detail as open meetings and **may wish to keep an electronic record as well.** Minutes should include a detailed description of the discussion, any specific documents considered, any motions, resolutions or votes, and any directions issued. This will not only provide a reference for attendees, but, when the minutes are eventually released, will inform members of the public and reassure them that the matter was properly discussed in a closed meeting and that procedural requirements were satisfied. Under subsection 91(3), the minutes of a meeting or part of a meeting closed to the public must record the names of all persons in attendance.

Following the conclusion of a closed meeting, careful consideration should be given to the release of minutes and other records that may have been generated during the closed meeting. As much information as possible should be released in order to achieve the goal of openness, transparency and accountability without compromising the interests of the local government, the public or a third party.

Best practices with respect to conducting a closed meeting include:

- restricting discussion to subjects that were authorized by the resolution to close the meeting

- whenever possible, avoiding passing resolutions in closed meetings
- **keeping a detailed record of closed meetings**

Clearly, the Ombudsperson has no issue with electronically recording closed meetings, and even suggest this method as an additional record of the minutes. Further, they do not see the eventual release of the information from in camera to be compromised in any way by recording the meetings electronically.

It is my opinion that audio recordings of in camera meetings will hold councillors accountable, keep councillors on track, and act as a verifying roadmap for the minute-taker. At the last Regular Meeting, several members of the gallery agreed with my concept, and I believe that they speak for the wider community. Therefore, I would like to make the following Notice of Motion to be discussed at the next COTW:

That Council direct Staff to electronically record all In Camera meetings, and as per the City's Closed Session Policy 103-1, these recordings shall remain confidential until such time as Council may deem the information contained on them to be released as per Policy 103-1, or destroyed with Council's unanimous approval, following all provincial legislation surrounding proper disposal of records.

Respectfully submitted,

Beverley Tripp

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council

From: Procedure Bylaw / Council

Date: April 10th, 2017

Subject: Report – from the Council's Representative to the Regional District of Kootenay Boundary

Recommendation: **RESOLVED THAT MAYOR KONRAD'S REPORT ON THE ACTIVITIES OF THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY, GIVEN VERBALLY AT THIS MEETING BE RECEIVED.**

BACKGROUND: Under the City's Procedures Bylaw No. 1946, 2013, the Order of Business permits the City's representative to the Regional District of Kootenay to report to Council and the Community on issues, and actions of the Regional District of Kootenay Boundary.

Benefits or Impacts of the Recommendation:

General: The main advantage is that all of Council and the Public is provided with information on the Regional District of Kootenay Boundary.

Policy/Legislation: The Procedure Bylaw is the governing document setting out the Order of Business at a Council meeting.

Recommendation: **RESOLVED THAT MAYOR KONRAD'S REPORT ON THE ACTIVITIES OF THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY, GIVEN VERBALLY AT THIS MEETING BE RECEIVED.**

OPTIONS:

- 1. RESOLVED THAT MAYOR KONRAD'S REPORT ON THE ACTIVITIES OF THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY, GIVEN VERBALLY AT THIS MEETING BE RECEIVED.**
- 2. RECEIVE THE REPORT AND REFER ANY ISSUES FOR FURTHER DISCUSSION OR A REPORT: UNDER THIS OPTION, COUNCIL PROVIDED WITH THE INFORMATION GIVEN VERBALLY BY THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY DIRECTOR REPRESENTING COUNCIL AND REQUESTS FURTHER RESEARCH OR CLARIFICATION OF INFORMATION FROM STAFF ON A REGIONAL DISTRICT ISSUE.**

	
Department Head or CAO	Chief Administrative Officer

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council
From: Manager of Development & Engineering Services
Date: April 10, 2017
Subject: Subdivision application for 6401 Highway #3
Recommendation: **RESOLVED THAT** Council determine whether to approve the application for Development Permit for Subdivision and Subdivision Application for 6401 Highway #3.

Background

- October 25, 2016, staff received a subdivision application dated June 16, 2016 and received the applicable fees from Mr. Balbir Saini for preliminary approval of subdivision and Development Permit for subdivision for property located at 6401 Highway #3 (Lot 3, DL 653, Plan KAP3072).
- The current land use is a tire shop and vehicle detailing shop at the front of the property as well as an existing non-conforming house.
- The applicant wishes to subdivide the subject property (~4.1 acres) into two parcels. 6401 Highway #3 would become 115.6 feet by 415.3 feet (~1.2 acres) containing the existing house, commercial buildings and outbuildings. The remaining vacant lot to be created would be 288.8 feet by 447.8 feet (~2.9 acres).
- Referrals have been sent to relevant regulatory agencies.

Regulatory issues

- The subject property is designated as Tourist Commercial on the SCP Land Use map, is in the Highway Commercial Development Permit Area (DPA) and was rezoned to Highway Commercial from Tourist Commercial on March 14, 2016. There is no minimum parcel size for Highway Commercial in the Zoning Bylaw (#1606). Subdivisions in a DPA require a development permit as per the Sustainable Community Plan (Bylaw 1919), which will be brought forward to the February 14 Regular Meeting of Council.
- The lots must be connected to a community sewer and water system as per the Subdivision, Development and Servicing Bylaw (#1970) but as there is no water or sewer service available the subdivision would be in contravention.



Fiscal Accountability



Economic Growth



Community Engagement



Community Liveability

REQUEST FOR DECISION

— REGULAR MEETING —



- The property is also located in the floodplain at an elevation of ~510-512 meters above sea level. Building permit elevation would be at 513.200 and a geotechnical engineer's report would be required prior to construction, stating that it would be safe to build at the building permit elevation.
- There is no direct access to Highway #3 from the new vacant lot but access would be addressed during the subdivision process by the surveyor. The applicant is in contact with the Ministry of Transportation & Infrastructure (MOTI). MOTI has stated that they have no immediate concerns with the proposed subdivision. They have also stated that any new ownership or change in use of the land will require the owner to apply for an access permit onto Highway #3.
- The applicant has submitted a completed site profile and a copy of a report by Western BioResources Consulting Ltd., detailing the findings of their investigation. The tanks were removed and the investigation concluded that soil samples and soil vapour measurements indicated no detectable concentration of hydrocarbons at the bottom of the tank nest or below the pump island and that no further investigation work was warranted to address the potential contamination concerns associated with the former refueling facility at this time.
- Section 75(1) of the *Land Title Act* requires subdivisions of waterfront properties to provide access to water bodies every 200 m in urban areas and 400 m in rural areas. The department spoke with MOTI (approving officer authority) staff regarding this requirement. The Approving Officer can waive the Section 75(1) requirements provided certain conditions are met (no new lots created; land in ALR; subdivided land reverting to Crown Provincial; or upon recommendation of the local government Approving Officer.) The MOTI staff provided three options to either meet the *Act* requirements or would be considered for waiving the requirements providing recreational access or riparian protection purposes instead.
 - Establish the 20 m wide access to the Kettle River as identified in the *Act*. This would reduce the property available for development for Mr. Saini and would also impact the integrity of the cottonwood riparian area.
 - Connect the shoreline / property area with a community trail, if appropriate. There appears to be little opportunity for establishing a trail system through the area due to land use and property lines of remaining areas. Any new riparian trail would impact the riparian cottonwood habitat and would require investment for a new trail asset with poor connectivity to other trails.
 - Protect the riparian corridor by returning foreshore (below high water) to crown and placing a no-build or no land clearing covenant on the remaining riparian forest above high water mark. This would be the least-cost option for Mr. Saini as well as the City and would protect the riparian corridor for the



Fiscal Accountability



Economic Growth



Community Engagement



Community Liveability

REQUEST FOR DECISION

— REGULAR MEETING —



valuable habitat it contains. This is also consistent with the Zoning of the lowest portion of the property as Foreshore (see Zoning Map).

- The department's recommendation is for MOTI to waive the Act access requirement if the subdivision survey identifies the foreshore and riparian components and returns to Crown the portions of the parcels below high water mark and places in covenant the riparian forest above.

Strategic Impact:

- The newly created lot and increased development potential would increase the tax base.
- Increased commercial property and potential development.
- Potential protection of riparian corridor would provide opportunity for community engagement on environmental stewardship
- Increased riparian area protection will protect amenity values in the community

Policy/Legislation: Local Government Act, Sustainable Community Plan, Zoning Bylaw and the Subdivision, Development & Servicing Bylaw.

Attachments:

- Subdivision application for 6401 Highway #3; Aerial view with zoning; elevation maps; Site plan showing location of existing and proposed buildings; MOTI referral response;

Recommendation: **RESOLVED THAT** Council determine whether to approve the application for Development Permit for Subdivision and Subdivision Application for 6401 Highway #3.

- OPTIONS:**
- 1. COUNCIL COULD CHOOSE TO SUPPORT THE RECOMMENDATION.**
 - 2. COUNCIL COULD CHOOSE TO NOT SUPPORT THE RECOMMENDATION.**
 - 3. COUNCIL COULD CHOOSE TO REFER THE REPORT BACK TO STAFF FOR MORE INFORMATION.**

Department Head or CAO	Chief Administrative Officer



Fiscal Accountability



Economic Growth



Community Engagement



Community Liveability

PAID

OCT 25 2016

THE CORPORATION OF
THE CITY OF GRAND FORKS

APPLICATION FOR
PRELIMINARY ACCEPTANCE OF A SUBDIVISION
OR APPLICATION FOR STRATA CONVERSION



Receipt No. 200528

Date: 16TH JUNE 2016

Applicant's Name:

BALBIR SAINI

Applicant's Address:

1, GRAND FORKS, BC, V0H 1H0

Agent for Applicant:

Agent's Address:

Legal Description of Property to be Subdivided or Strata Converted & P.I.D. Number
(circle appropriate indicating a subdivision or a strata conversion application) P.I.D 009-716-891

LOT 3, PLAN KAP3072, DL 653, SDYL DISTRICT
EXCEPT PLAN H17066

Civic Address or Street/Avenue Name:

6401 - HWY. 3, GRAND FORKS, BC.

Current Zoning of Property

HIGHWAY COMMERCIAL (HC)

I/We hereby apply for preliminary acceptance of a subdivision or strata conversion of the above-described property and as shown on the attached plan. The subdivision will be in accordance with Bylaw No. 1424 and any amendments thereto.

Examination Fee (current lot – non refundable)	\$100.00
Additional Lots Created (\$100.00 x <u>1</u> lots or number of strata units to be created) (non refundable)	\$ <u>100.00</u>
<u>Total Subdivision Fees</u>	\$ <u>200.00</u>
or	
<u>Application for strata conversion</u>	\$ _____

Baini
Applicant's/Agent's signature

NOTE TO APPLICANT:

- Applicant must provide a site profile to the Approving Officer when applying for subdivision of land that was used for industrial or commercial purposes or activities.
- Approval of preliminary application for subdivision is only valid for 3 months from date of acceptance.
- Form T approval of strata conversion is only valid for 6 months from date of acceptance.

Page 1 of 4

DECLARATION PURSUANT TO WASTE MANAGEMENT ACT

I/We, BALBIR SAINI, owner/agent of the subject property described on this application form hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial Purposes and Activities" (Schedule 2) of the *Contaminated Sites Regulation (B.C. Reg. 375/96)*. I therefore declare that I am not required to submit a Site Profile under Section 26.1 or any other section of the *Waste Management Act*.

City Office Use Only

Preliminary Subdivision/Strata Conversion Checklist

Lot size created _____

Number of units to be converted _____

Existing Zoning _____

Other Comments _____

Above checked by: _____

Planning Tech

Development Cost Charges

Single Family (per lot created)

Sewer \$2,377. x _____ = _____

Water \$2,435. x _____ = _____

Two Family semi-detached (per lot created)

Sewer \$3,803. x _____ = _____

Water \$3,896. x _____ = _____

*Preliminary Subdivision or Strata Conversion approval is hereby granted based on the attached drawings. Should any services be required to be moved to accommodate the subdivision, the relocation shall be at the sole expense of the subdivider. All newly created lots, where City services are available, are subject to Development Cost charges as outlined in the City of Grand Forks Bylaw No. 1425, as listed above.

And any other requirements as listed:

Dated this _____ day of _____, _____

Approving Officer for the City of Grand Forks

Page 2 of 4

*Strata Conversion approval will be granted by the endorsement of Approving Authority Form T.






Preliminary Acceptance of Subdivision or Strata Conversion

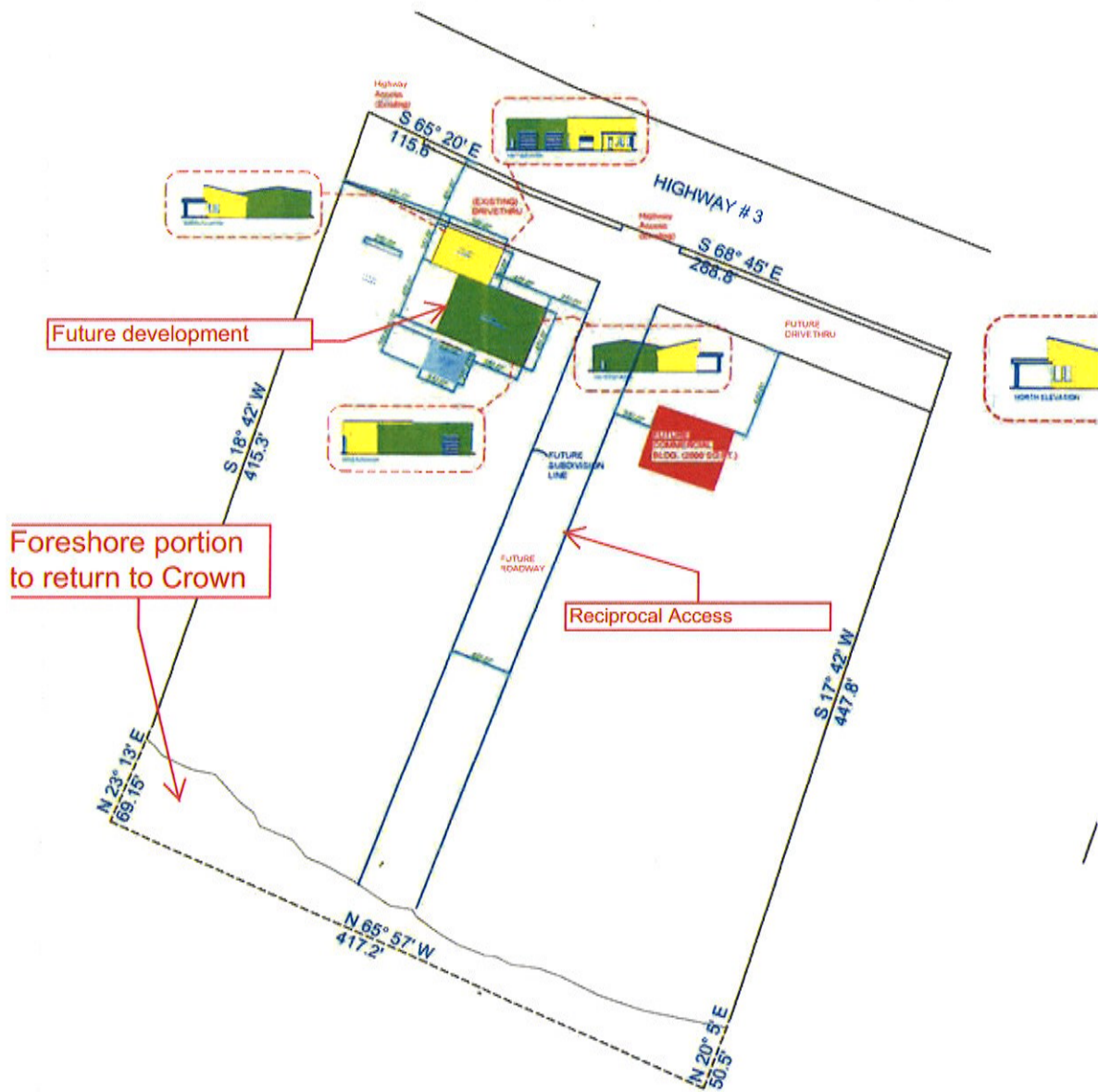
Page 2

Foreshore portion
to return to Crown

Legend

Zoning Map 11/16

-  Foreshore
-  HC - Highway Commercial
-  I2 - General Industrial 2
-  R4 - Rural Residential 4
-  TC - Tourist Commercial



No.	Revisions/Notes	Date	Drawn/Checked
1		04/24/20	
2			
3			

General Notes:

1. All dimensions are in feet and inches.
2. All dimensions are to the centerline of the road or the centerline of the building.
3. All dimensions are to the centerline of the road or the centerline of the building.
4. All dimensions are to the centerline of the road or the centerline of the building.
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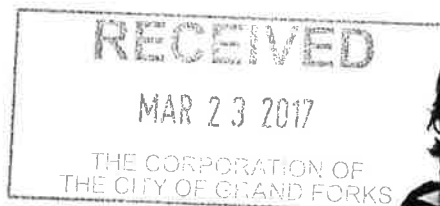
Michelle Mungall, MLA
(Nelson-Creston)
Parliament Buildings
Victoria, BC V8V 1X4

Community Office:

433 Josephine Street
Nelson, BC V1L 1W4
Telephone: 250 354-5944
Facsimile: 250 354-5937
Toll-Free: 1 877 388-4498
e-mail: michelle.mungall.mla@leg.bc.ca
website: www.michellemungall.ca



Province of
British Columbia
Legislative Assembly



Michelle Mungall, MLA
(Nelson-Creston)

Grand Forks City Council

March 16, 2017

PO BOX 220

Grand Forks, BC

V0H 1H0

Dear Council Members,

I am writing to express my great appreciation for your actions towards ending homelessness. The results of the Affordable Housing Survey conducted in Grand Forks are conclusive, and coupled with similar statistics from around the province, point towards a widespread and systemic crisis of affordability. I have brought this issue forward in the legislature in a recent debate on affordable housing brought forward by New Democrat MLA David Eby.

I would like to pledge my continued support for your efforts and will continue to work for real action to end this affordability crisis. Please find attached the written transcript of my speech in the legislature on this issue.

Sincerely,

Michelle Mungall, MLA, Nelson-Creston

FILE CODE

WE3: M3 - re Affordable Housing
MLA Michelle Mungall

M. Mungall: It gives me great pleasure to rise and speak to a topic that is, seriously, the number one conversation point amongst my peer group. Whether we're at the coffee shop, we're having a games night or we're going to the movies, you can rest assured that anybody under age of 40, and even anybody under the age of 45, is talking about housing and the fact that being able to afford a home is one of the most difficult things that we'll ever be able to achieve financially in our lifetime.

This motion seeks "that this House support action to address the unacceptable situation of more than 70 homeless camps in the Lower Mainland and throughout B.C." Coming from a rural part of this province, I think it's really important to talk about what's going on outside of Metro Vancouver but also how what's happening around B.C. and what's happening in Metro Vancouver are actually quite related.

In Nelson, we have had, in the last 16 years, a growing number of people who are homeless. Our homeless shelter, which serves from the Alberta border up to the Okanagan, is running at over 100 percent capacity throughout the year. What that means is that there are more people coming into the shelter than we actually have room for. While this government says, "Oh, a mat on the floor is the same as an actual housing unit," we know that's not the case. You only need to ask people at Stepping Stones in Nelson about that.

The city of Grand Forks recently did an affordable housing survey, and what they found is that 54 percent of the survey respondents spend between 30 to 50 percent of their monthly income on housing. The reason why that kind of number is significant and why the city of Grand Forks is concerned is because those are the people who are at most risk of becoming homeless.

We've learned over the last 16 years, while the B.C. Liberals have been in government, that it's when people are spending more than they can afford on their housing, particularly their rental housing, that they are at most risk of homelessness. That's why we see homelessness having increased exponentially over the last 16 years — not only in Nelson, not only, potentially, here in Grand Forks. We just need to look at the numbers — some really sad numbers — for example, coming out of Kamloops. Fifty-six kids, right now, are homeless in Kamloops.

We see camps growing across the province. In the Lower Mainland, because Metro Vancouver did a study, we now know that there are about 70 homeless camps. There are three in Vancouver. There are two in Maple Ridge. There's one in Surrey. That camp saw a young woman, who was transitioning out of government care, die. We've brought her story to this House in the Legislature.

Those are the types of things that are happening in B.C., but they don't have to be. There are solutions, and as my colleagues have pointed out, the New Democrat opposition has been bringing those solutions to this floor for 16 years. We have been asking the government to take meaningful action, and we have seen our solutions and our offers of support fall on deaf ears.

We hear a lot of rhetoric. We hear a lot of promises. But when you're promising \$1 million for a program for an emergency shelter for youth that actually shut two years ago because you wouldn't give it a dime when it needed it.... Clearly, we have a government that's completely out of touch, that has no idea what's actually going on, on the ground.

We could be having solutions that use public land for affordable housing projects instead of selling it for the richest development possible. We could be investing in co-op housing. The New Democrats have committed to continue those investments when the federal government pulls out. We could allow post-secondary institutions to build student housing by fixing a simple accounting technical issue that they have to abide by. We could have fair tenant relocation policies, replace rental units and build more rental housing in this province that's affordable so that people aren't living paycheque to paycheque and at the whim of potential homelessness.

We could provide renters with protection against renovictions and close fixed-term lease loopholes. We could do a province wide homelessness count so that we have a better understanding of the problem that exists in this province and so that we could actually identify solutions based on reality rather than political announcements weeks before an election.

One of the things that I've done in this House repeatedly is introduce a poverty reduction plan. We could do that too. It would have such a positive impact for this province. I look forward to the day when this House will finally adopt real solutions to address homelessness in B.C.

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council
From: Deputy Corporate Officer
Date: April 10, 2017
Subject: Fees & Charges Amendment Bylaw No. 1958-A2
Recommendation: **RESOLVED THAT COUNCIL give final reading to the Fees & Charges Amendment Bylaw No. 1958-A2.**

BACKGROUND: The Fees and Charges Bylaw hosts most of the Fees and Charges schedules for the organization. This Amendment Bylaw is primarily a housekeeping item refresh to add additional schedules from other bylaws.

For the Campground (Schedule F), two items regarding cancellations are added to work hand in hand with the current Campground Policy. These changes have to be in place for the camping season which begins May 1, 2017 for our campground.

In addition, three new schedules are added to the Fees & Charges Bylaw:

- Schedule G – Electrical Utility Rates and Charges
- Schedule H – Garbage Collection Fees and Charges

Two Bylaws will require amendments at the same time to support these changes. These bylaws will be presented today as well.

The proposed Fees & Charges Amendment Bylaw No. 1958-A2 was introduced at the Committee of the Whole meeting on March 13. Schedule I – Business Fees was removed by Council at that meeting for further review at a later date. Section 4 of the bylaw was also adjusted to reflect a date by which the utility dates are in effect as per the Chief Financial Officers request.

The proposed Amendment Bylaw No. 1958-A2 received 3 readings at the March 27, 2017 Regular Meeting of Council.

The amendment bylaw is now presented for final reading.

Proposed schedule for implementation of all bylaws:

Introduction	3 Readings	Final Reading
March 13, 2017	March 27, 2017	April 10, 2017

REQUEST FOR DECISION

— REGULAR MEETING —



Benefits or Impacts of the Recommendation:

General: Housekeeping and Fees & Charges adjustment.
Financial: N/A
Policy/Legislation: Council has the authority to regulate the Fees & Charges through bylaws
Attachments: Draft Bylaw No. 1958-A2 – Fees & Charges Amendment Bylaw

Recommendation: **RESOLVED THAT COUNCIL give final reading to the Fees & Charges Amendment Bylaw No. 1958-A2.**

OPTIONS:

1. RESOLVED THAT COUNCIL RECEIVES THE STAFF REPORT
2. RESOLVED THAT COUNCIL DOES NOT ACCEPT THE STAFF REPORT
3. RESOLVED THAT COUNCIL REFERS THE MATTER BACK TO STAFF FOR FURTHER INFORMATION.

	
Department Head or CAO	Chief Administrative Officer

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1958-A2

A BYLAW TO AMEND THE CITY OF GRAND FORKS FEES AND CHARGES BYLAW NO. 1958

WHEREAS the Community Charter empowers Council to acquire, accept and hold any property in the Municipality for pleasure, recreation or Community uses of the public and to make regulations governing the management, maintenance, improvement, operation, control and use of such property;

AND WHEREAS Council deems it necessary and expedient to amend fees & charges;

NOW THEREFORE the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **HEREBY ENACTS** as follows:

1. This bylaw may be cited as the **“City of Grand Forks Fees and Charges Amendment Bylaw No. 1958-A2, 2017”**.
2. That Bylaw No. 1958, cited as “Fees and Charges Bylaw No. 1958, 2014” be amended by:
 - a. Adding under Section 3.1 “Schedule G – Electrical Utility Fees and Charges” and adding “Schedule G” to the Bylaw
 - b. Adding under Section 3.1 “Schedule H – Garbage Collection Fees and Charges” and adding “Schedule H” to the Bylaw
 - c. replacing “Schedule F – Campground Fees and Charges” with a new “Schedule F”.
3. All new and updated schedules are identified as “Appendix 1” and attached to this bylaw.
4. This bylaw shall come into force and effect on its adoption, with all consumption billed for periods ended on or after April 10, 2017.

INTRODUCED this 13th day of March, 2017.

READ A FIRST time this 27th day of March, 2017.

READ A SECOND time this 27th day of March, 2017.

READ A THIRD time this 27th day of March, 2017.

FINALLY ADOPTED this ____ day of _____, 2017.

Mayor Frank Konrad

Corporate Officer – Diane Heinrich

CERTIFICATE

I hereby certify the foregoing to be a true copy of Bylaw No. 1958-A2, as passed by the Municipal Council of the City of Grand Forks on this ____ day of _____, 2017.

Corporate Officer of the Municipal Council
of the City of Grand Forks

Date Signed

APPENDIX 1

Updated Schedules

SCHEDULE "F"
CAMPGROUND FEES AND CHARGES

	<u>2017</u>
Tenting	\$20.00
RV Parking – No Hook-ups	\$26.00
RV Parking – Water, Sewer & 50 AMP service	\$36.00
Cancellation - Prior to 48 hours	one night camping rate as per the site reserved and the type of camping requested
Cancellation - Within 48 hours	two night camping rate as per the site reserved and the type of camping requested

- Rates are "peak" season and are subject to change as deemed necessary by the Chief Administrative Officer
- All rates include applicable taxes

SCHEDULE "G"
ELECTRICAL UTILITY
FEES AND CHARGES

	<u>Fees / Charges</u>	
Residential Service		
Basic minimum service charge	\$19.14	/month, plus
Electrical rate based on the actual consumption	\$0.12029	per KWH
Commercial/Industrial/Institutional Service		
Basic minimum service charge	\$20.71	/month, plus
Electrical rate per consumption for the first 200,000 KWH or less in a two-month billing period	\$0.12873	per KWH
Electrical rate per consumption for all usage above 200,000 KWH in a two-month billing period	\$0.09553	per KWH
Seasonal Loads (minimum period of service is three months)		
Basic minimum service charge	\$19.82	/month, plus
Electrical rate based on the actual consumption	\$0.12873	per KWH
Unmetered Service	Rate based on estimated consumption by written agreement	
Service Charges		
Existing Service Connection and Reconnection Charges	\$51.50	flat rate
New Service Installations or Upgrading of Existing Service:		
Basic Single Phase Overhead Connection		
200 amp service	\$721.00	flat rate
400 amp service	\$1,751.00	flat rate
Basic Single Phase Underground Connection (includes dip service)		
200 amp service	\$1,266.90	flat rate
400 amp service	\$2,296.90	flat rate
All other services greater than 400 amps	At Cost	At Cost
Three Phase - Overhead/Underground	At Cost	At Cost
Temporary Construction Service		
Temporary service - 100 amps or less	\$257.50	flat rate
Meter Checking		
Meter removal charge and “in-house” inspection		

Canada Department of Consumer and Corporate Affairs
or a certified meter inspection facility, should it become
necessary, shall be paid as determined by that Agency
along with a \$75.00 administration charge

Digital Non-Radio Meter (if applicable)

Setup Charge

\$167.84

flat rate

Manual Read Charge

\$15.43

flat rate

SCHEDULE "H"
RESIDENTIAL GARBAGE COLLECTION
FEES AND CHARGES

	<u>Fee/Charge</u>
Residential Garbage Collection Service	\$11.50 per month Per residential dwelling
"Tag-A-Bag" tags for bags of garbage in excess Of the limit	1 tag for \$3.00

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council
From: Deputy Manager of Operations
Date: April 10, 2017
Subject: Bylaw 1798-A1 - Garbage Regulations and Rates Amendment Bylaw
Recommendation: **RESOLVED THAT Council gives final reading to the "Garbage Regulations and Rates Amendment Bylaw No. 1798-A1, 2017".**

Background

Residential Garbage Collection Regulation Bylaw No. 1798 contains a combination of regulations, conditions, and fees. In order to simplify the process of updating the fees and charges, which is done annually, staff propose the following:

- Move the fees from Schedule "A" of Bylaw 1798 to the Fees and Charges Bylaw.

The Fees and Charges Bylaw has been set up to contain most other fee schedules for other bylaws. Consequently, annual fee charges will only require amending one bylaw rather than many.

An amendment to Bylaw 1798 (Bylaw 1945) inserted text in the incorrect section. This amendment also includes a correction to insert that text in the correct section of the bylaw.

The proposed amendment bylaw was introduced at the March 13, 2017 Committee of the Whole. Council read the bylaw three times at the March 27, 2017 Regular Meeting.

The "Garbage Regulations and Rates Amendment Bylaw No. 1798-A1, 2017" is now presented for final reading. A copy of the amendment bylaw is attached.

Benefits or Impacts of the Recommendation:

General: When annual fees are updated, this can be done by amending one bylaw instead of many.

Strategic Impact: N/A

REQUEST FOR DECISION

— REGULAR MEETING —



Financial: N/A

Policy/Legislation: This bylaw amends Bylaw 1798.

Attachments


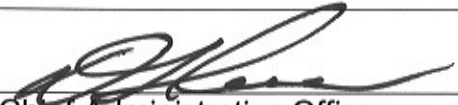
Bylaw 1798-A1 - Garbage Regulations and Rates Amendment Bylaw

Recommendation

RESOLVED THAT Council give final reading to the "Garbage Regulations and Rates Amendment Bylaw No. 1798-A1, 2017".

OPTIONS

1. Council could choose to support the recommendation.
2. Council could choose not to support the recommendation.
3. Council could choose to refer the matter back to staff for further information.

	
Department Head or CAO	Chief Administrative Officer

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1798-A1

A BYLAW TO AMEND THE CITY OF GRAND FORKS RESIDENTIAL GARBAGE COLLECTION REGULATION BYLAW NO. 1798, 2006

=====

The Council of the Corporation of the City of Grand Forks **ENACTS** as follows:

1. This bylaw may be cited for all purposes as the “**Garbage Regulations and Rates Amendment Bylaw No. 1798-A1, 2017**”.
2. Amend Bylaw No. 1798 as follows:
 - a. In section “3. Definitions”, **insert** the definition “**‘Fees and Charges Bylaw’** means the most current Corporation of the City of Grand Forks Fees and Charges Bylaw”.
 - b. In the “Waiver of Service” definition in section “3. Definitions”, **delete**

“2.1 Every owner of a Residential Dwelling Premise within the collection area shall use the Garbage, Yard Waste and Mandatory Residential Recycling Materials collection systems established by the City of Grand Forks, pursuant to this bylaw and shall pay the rates and fees set out in Schedule “A” to this bylaw, except those who have been granted a “waiver of service” by Management Staff.”
 - c. Replace section 6 so that it reads

“Every owner of a Residential Dwelling Premise within the collection area shall use the Garbage, Yard Waste and Mandatory Residential Recycling Materials collection systems established by the City of Grand Forks, pursuant to this bylaw and shall pay the rates and fees set out in the Fees and Charges Bylaw except those who have been granted a “waiver of service” by Management Staff.”
 - d. In the second sentence of the first paragraph of Section 9, **delete** “ , as outlined in ‘Schedule A’ of this bylaw”.
 - e. In the third sentence of the first paragraph of Section 9, **delete** “ , outlined in Schedule A of this bylaw,”
 - f. In section 16, **replace** “Schedule A of this bylaw” with “the Fees and Charges Bylaw”.

- g. **Delete** Schedule "A" in its entirety and supersede it with Schedule "H" of the **Fees and Charges Bylaw**.

3. This bylaw shall come into force and effect upon adoption.

INTRODUCED this 13th day of March, 2017.

Read a **FIRST** time this 27th day of March, 2017.

Read a **SECOND** time this 27th day of March, 2017.

Read a **THIRD** time this 27th day of March, 2017.

FINALLY ADOPTED this 10th day of April, 2017.

Mayor Frank Konrad

Corporate Officer Diane Heinrich

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of Bylaw No. 1798-A1 as passed by the
Municipal Council of the City of Grand Forks
on the 10th day of April, 2017.

Corporate Officer of the Municipal Council of the
City of Grand Forks

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council
From: Chief Financial Officer
Date: April 10, 2017
Subject: Bylaw 2015-A2 - Electrical Utility Regulatory Amendment Bylaw
Recommendation: **RESOLVED THAT Council give final reading to the “Electrical Utility Regulatory Amendment Bylaw No. 2015-A2, 2017”.**

Background

The “City of Grand Forks Electrical Utility Regulatory Bylaw No. 2015” contains a combination of regulations, conditions, and fees. In order to simplify the process of updating the fees and charges, which is done annually, staff propose the following:

- Move the fees from Schedule “C” of Bylaw 2015 to the Fees and Charges Bylaw.
- Incorporate the remaining items included in the old fee Schedule “C” into the terms and conditions Schedule “B”.

The Fees and Charges Bylaw has been set up to contain most other fee schedules for other bylaws. Consequently, annual fee charges will only require amending one bylaw rather than many.

The proposed amendment bylaw was introduced at the March 13, 2017 Committee of the Whole. Council amended and then read the bylaw three times at the March 27, 2017 Regular Meeting.

The amendment to Schedule B (*already approved*) affected Section 3.3-3.5. It outlines that a property Owner who is paying for an extension of electrical service onto their property where the extension has the capacity to serve other properties is entitled to receive a partial reimbursement from the City when an adjacent property Owner connects and pays the City for the connection. The time period for this clause was changed from five years to fifteen years which maintains consistency with similar provisions for latecomer agreements in the Local Government Act (RS2015-1-507).

The “Electrical Utility Regulatory Amendment Bylaw No. 2015-A2, 2017” is now presented for adoption. A copy of the amendment bylaw is attached.

Benefits or Impacts of the Recommendation

General: When annual fees are updated, this can be done by amending one bylaw instead of many.

REQUEST FOR DECISION

— REGULAR MEETING —



Strategic Impact: N/A

Financial: N/A

Policy/Legislation: This bylaw amends Bylaw 2015. The amendment as approved March 27, 2017 makes the bylaw consistent with the Local Government Act.

Attachments:

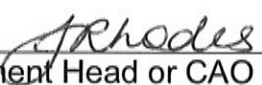
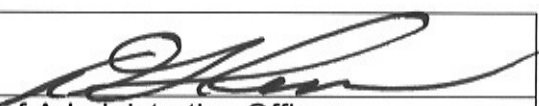
- Bylaw 2015-A2 - Electrical Utility Regulatory Amendment Bylaw

Recommendation

RESOLVED THAT Council give final reading to the "Electrical Utility Regulatory Amendment Bylaw No. 2015-A2, 2017".

Options

1. Council could choose to support the recommendation.
2. Council could choose not to support the recommendation.
3. Council could choose to refer the matter back to staff for further information.

 Department Head or CAO	 Chief Administrative Officer
---	--

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2015-A2

**A Bylaw to Amend the
Electrical Utility Regulatory Bylaw No. 2015**

The Council of the Corporation of the City of Grand Forks **ENACTS** as follows:

1. This bylaw may be cited, for all purposes, as the **“Electrical Utility Regulatory Amendment Bylaw No. 2015-A2, 2017”**.
2. Amend Bylaw No. 2015 as follows:
 - a. In section 2. DEFINITIONS, insert the definition “ **‘Fees and Charges Bylaw’** means the most current Corporation of the City of Grand Forks Fees and Charges Bylaw”.
 - b. In section 3.2, replace “Schedule C” with “the Fees and Charges Bylaw”.
 - c. In section 4.2 (b), replace “ ‘Schedule C’ of this bylaw” with “the Fees and Charges Bylaw”.
 - d. In section 4.2 (d), delete “, outlined in all portions of this bylaw”.
 - e. Delete Schedule “B” and replace it with the new Schedule “B” attached as Appendix 1 of this bylaw.
 - f. Delete Schedule “C”.
 - g. Supersede Schedule “C” of Bylaw No. 2015 with Schedule “G” of the **Fees and Charges Bylaw**.
 - h. Delete Schedule “D” and replace it with the new Schedule “D” attached as Appendix 2 of this bylaw.
3. This bylaw shall come into force and effect upon adoption.

INTRODUCED this 13th day of March, 2017.

Read a **FIRST** time this 27th day of March, 2017.

Read a **SECOND** time this 27th day of March, 2017.

Read a **THIRD** time this 27th day of March, 2017.

FINALLY ADOPTED this 10th day of April, 2017.

Mayor Frank Konrad

Corporate Officer Diane Heinrich

CERTIFIED CORRECT

I hereby certify the foregoing to be a true copy of Bylaw No. 2015-A2 as adopted by the Municipal Council of the City of Grand Forks on the 10th day of April, 2017.

Corporate Officer of the Municipal Council of the
City of Grand Forks

Appendix 1

SCHEDULE B

CITY OF GRAND FORKS **ELECTRICAL SERVICE REGULATIONS**

1. Terms and Conditions of Use and Supply of Electrical Energy:

- 1.1 Every Customer shall, in respect of any real property of that Customer to which electrical energy is supplied by the City:
- (a) pay to the City, in accordance with the rates and charges set out in the Fees and Charges Bylaw and in accordance with "Schedule D", for the electrical energy supplied by the City to that real property;
 - (b) ensure that electrical energy supplied by the City to that real property is not used for any purpose other than the purpose identified in the application for service relating to that real property;
 - (c) not damage, and shall ensure that occupiers of or invitees to that real property do not damage, any electrical equipment or facilities installed by the City on that real property. This is to include any seal or sign attached to that equipment;
 - (d) ensure that nothing is done on that real property, including without limitation an alteration of wiring, that will or may appreciably change the amount or nature of the load imposed on the Electrical Utility, without the prior consent of the Manager of Operations;
 - (e) ensure that officers, employees and agents of the City have safe and unobstructed access on that real property at all reasonable times for the purpose of ensuring that this Bylaw is being complied with, testing the Owner's electrical energy system, or carrying out any other activity that is necessary for the proper operation of the Electrical Utility;
 - (f) where an officer, employee or agent of the City returns to the Owner's real property to complete work that he or she was unable to complete on a previous attendance by reason of the Owner's failure to comply with Section 1.1(e) of this Schedule, pay to the City the charge set out in Section 4.1 of Schedule "C" as a return visit charge;
 - (g) ensure that the power factor applicable to the delivery of electrical energy to that real property is not lower than 95%;
 - (h) ensure that single phase motors rated larger than two (2) horsepower are not used on 120 volt circuits without the prior written consent of the Manager of Operations;

- (i) ensure that motors of 20 horsepower or larger are equipped with reduced voltage starters or other devices approved in writing by the Manager of Operations, unless otherwise authorized in writing by the Manager of Operations;
 - (j) ensure that 120 volt circuits are connected so as to balance as nearly as possible the currents drawn from the circuits at the point of delivery;
 - (k) ensure that space heating units having a rating of 3 kw or larger are individually thermostatically controlled and that no single in-line thermostat is used to control more than 6 kw of rated capacity;
 - (l) ensure that the phase heating units controlled by one switch or thermostat have no more than 25 kw of rated capacity; and
 - (m) ensure that no facilities capable of generating electricity, except as otherwise permitted in this bylaw, are installed, unless those facilities are at all times electrically isolated from the Electrical Utility.
- 1.2 The City shall retain full title to all electrical equipment and facilities up to the point of delivery, including without limitation all electrical metering devices, installed by the City for the purpose of supplying and measuring electrical energy under this Bylaw.
- 1.3 The City may, from time to time, conduct tests of any Customer's power factor, and where that power factor is found by the City to be lower than 95%, the Customer shall, within 30 days of a written request to do so from the City, install, at his or her expense, power factor corrective equipment acceptable to the Manager of Operations.
- 1.4 Every Customer is liable for, and shall pay to the City forthwith after receiving an invoice setting out those costs, any costs incurred by the City in repairing any damage caused to the Electrical Utility or to any equipment or facilities installed by the City on that Customer's real property, where the damage occurs as a result of the failure of the Customer to comply with any provision of this Bylaw.
- 1.5 The City may discontinue the supply of electrical energy for any or all of the following reasons to any property where the owner or any other person on that property using the electrical energy:
- (a) failure to comply with the rules established under this Bylaw for the use of the service;
 - (b) in the opinion of the Manager of Operations, the continued supply of electrical energy to that real property would or might be harmful to the Electrical Utility, create an unreasonable demand on that system, or create an abnormal or unacceptable fluctuation of the line voltages of that system;

- (c) discontinuance is necessary to enable the City to repair or maintain the Electrical Utility;
 - (d) by reason of a shortage of supply or otherwise, the City considers that it cannot practically continue to supply electrical energy to that real property;
 - (e) a previously metered service has been disconnected for more than 1 year.
 - (f) failure to pay when due any user fees, charges, or taxes imposed under this or any other bylaw of the City in relation to the service.
- 1.6 The supply of electrical energy may be limited or interrupted by the City to accommodate routine maintenance or the construction of improvements to the municipal Electrical Utility.
- 1.7 Except in the case of an emergency, the City will endeavor to provide reasonable notice to affected parties of any service interruption or limitation of service.
- 1.8 Before discontinuing service due to non-compliance with any of the provisions of this bylaw, the City will:
- (a) provide the owner and all occupiers of that property with at least thirty (30) days notice in writing of discontinuation of the service
 - (b) give the person affected the opportunity to make representations to Council in respect of such non-compliance at a regularly scheduled Council meeting that is scheduled to take place within thirty (30) days following delivery of the notice of discontinuation, provided that the owner or occupier wishing to make the representations notifies the City's Corporate Officer of their intention to do so at least 24 hours before that Council meeting.
- 1.9 Notice under Section 1.8(a) may be given by one or more of the following:
- (a) posting notice on the property;
 - (b) providing notice on an Owner's and Occupier's electrical utility bill;
 - (c) mailing notice to the address(es) supplied by the Owner and Occupier or the address of the property;
 - (d) telephoning the Owner and Occupier, which may include speaking directly to the Owner or leaving a message at the telephone numbers supplied.
 - (e) Electronic mail (E-Mail) the Owner and Occupier at the email address(es) supplied.

- 1.10 The City is not responsible for any notice failing to reach an Owner or Occupier prior to the shut off of electrical energy.

2. New Service Connections

- 2.1 No person may request to connect any electrical energy lines or works to the Electrical Utility unless:

- (a) the Owner of the real property to be supplied with electrical energy as a result of that connection has first:
 - i) submitted to the City a complete New Electrical Service Application in a form provided by the City;
 - ii) paid the New Electrical Service Application fee that is identified in the Fees and Charges Bylaw as the fee applicable to the type of connection identified in the New Electrical Service Application; and
 - iii) provided evidence satisfactory to the Manager of Operations that he or she has obtained every permit and approval, including the approval of a provincial electrical inspector, that he or she is required under any enactment to obtain before requesting the connection,
- (b) the person requesting the connection is the Owner of the real property to be supplied with electrical energy as a result of that connection or a person authorized in writing by that Owner to request the connection.

- 2.2 All Meters shall be installed by the City, in a location approved by the Manager of Operations. Meter location specifications shall be as follows:

- (a) The meter socket shall be surface mounted, located on an outside wall and be within one Meter of the corner nearest to the point of supply, except in the case of Metering over 300 volts, the Meter shall be installed on the supply side of the Customer disconnect and Meter locations shall be approved by the Utility Department;
- (b) All meter sockets shall be installed between 1.5 meters and 2 meters above final ground level to the centre of the meter and located not more than 30 meters into the lot;
- (c) Meters shall not be installed in carports, breezeways or on decks or other similar areas;
- (d) Meters shall be installed in locations that permit safe and unfettered access by employees or agents of the City;
- (e) The Manager of Operations, at his/her sole discretion, may make exceptions to the general specifications for meter installations, where a standard location will cause design and installation difficulties, subject to the meter remaining accessible to the City at all times;

- (f) The Manager of Operations may require, at the Customer's expense, that the Customer relocate any meter that is located in an area that cannot be conveniently accessed by the City at all times, or is considered by the Manager of Operations to be unsafe;
- (g) For all electrical Services in excess of 200 amperes, the Customer shall supply and install an enclosure for current and potential transformers and the design of the enclosure shall first be approved by the Manager of Operations;
- (h) Primary voltage metering connections shall have metering installations paid for by the Customer;
- (i) The Manager of Operations may refuse connection of any electrical Service built in a location not approved by the Manager of Operations, or not built to accepted standards;
- (j) The City will not supply transformation from one secondary voltage to another secondary voltage;
- (k) The City reserves the right to determine the supply voltage of all electrical Service connections;

2.3 Nominal Secondary Supply Voltages are:

- (a) From pole mounted transformers:
 - i. Single Phase – 120/240 volts, 3 wire, maximum 400 amperes.
 - ii. Three Phase - 120/208 volts, 4 wire, maximum 400 amperes transformation capacity.
 - iii. Three Phase - 347/600 volts, 4 wire, maximum 400 amperes transformation capacity.
- (b) From pad mounted transformers:
 - i. Single Phase – 120/240 volts, 3 wire, maximum 800 amperes.
 - ii. Three Phase – 120/208 volts, 4 wire, maximum 500 kVA transformation capacity.
 - iii. Three Phase – 347/600 volts, 4 wire, maximum 2,500 kVA transformation capacity.
- (c) Delta services are prohibited.
- (d) For loads or supply voltages different from those listed in this Section (e.g. 277-480 volts), the Manager of Operations may require that a Customer supply their own transformation facilities and take service at the available

primary voltage; or supply their own secondary voltage conversion transformation.

- (e) All facilities and equipment to be connected to the City's facilities must be in a condition that is approved by the Manager of Operations. Installation must be carried out in a manner to ensure proper balancing of phases and circuits, and to ensure that the City's equipment is not endangered or that no abnormal voltage fluctuations are anticipated. All three-phase, four-wire facilities must be designed to prevent the load on the phase with the highest load exceeding that on the phase with the lowest load by more than ten (10%) percent.

2.4 Customer owned electrical facilities must not be extended across, under or over a street, lane, alley or other public or private space not owned by the Customer for the purpose of servicing more than one Premise through one meter.

2.5 It is the Customer's sole responsibility to obtain any easements or statutory rights of way required by the City or others, to permit the installation of an electrical Service.

2.6 New development, whether residential or commercial, single phase or three phase services, requiring transformers and related equipment, shall be at the sole cost of the developer. All new service installations or upgrading of existing service costs are payable in advance of the installation and are subject to applicable taxes.

2.7 New Service Installations or Upgrading of Existing Service:

- (a) Basic Single Phase Overhead Connection

The City will provide up to 30 meters of appropriate sized wire, do the connection on the customer's service entrance, do the connection to the Cities distribution and install and supply the appropriate meter. All other required material and labour will be completed by the Customer.

- (b) Basic Single Phase Underground Connection (includes dip service)

The City will provide up to 30 meters of appropriate sized wire, do the connection to the Cities distribution and install and supply the appropriate meter. All other required material and labour will be completed by the Customer.

3.0 Electrical Utility Extension

3.1 The Manager of Operations is not required to approve any New Electrical Service Application in respect of any real property, where the connection cannot be made without an extension of the City's electrical service line, unless:

- (a) the City has first approved (and it is under no obligation to do so) the extension of that service line;

- (b) the Owner has first paid to the City the cost estimated by the City to extend that service line, which cost shall include, without limitation, the cost of installing any poles or other works or appurtenances related to that service line extension; and
- (c) the Owner has first granted to the City, or ensured that others have granted to the City, statutory rights-of-way, satisfactory to the City over any property on which the service line is to be located that is not under the possession and control of the City.

3.2 Where the cost incurred by the City in extending a Service line to any real property exceeds the amount paid by the Owner of that real property under Section 3.1(b) of this Schedule, the Owner shall forthwith upon receiving a bill from the City pay to the City the amount of that excess, and where the amount paid by the Owner to the City under Section 3.1(b) of this Schedule exceeds the cost incurred by the City in extending the service line, the City shall pay the amount of the excess to the Owner.

3.3 Subject to Section 3.5 of this Schedule, where a property Owner pays for the extension of a service line under Section 3.1(b) of this Schedule and the extension has the capacity to serve land other than land owned by that property Owner, each property Owner whose property is subsequently connected to that extension shall pay to the City for each electrical service connection made within that extension, in addition to any other charges applicable under this Bylaw, the following amount, and the original property Owner who paid for the service line extension will be reimbursed the following amount:

	X	$\frac{1}{\text{Sum of the possible service connections which could be made within the service line extension based on the City's bylaws regulating the subdivision of land, plus one (for original service)}}$
<p><i>Cost of service line extension paid by the original property owner</i></p>		<p><i>Sum of the possible service connections which could be made within the service line extension based on the City's bylaws regulating the subdivision of land, plus one (for original service)</i></p>

3.4 For the purpose of Section 3.3 of this Schedule, the number of possible service connections referred to in the calculation described in that Section is the number estimated by the Manager of Operations at the time the original property Owner applies for the service line extension.

3.5 Section 3.3 of this Schedule ceases to apply to a service line extension on the earlier of:

- (a) the day on which the property Owner who paid the cost of the service line extension has been reimbursed that cost less the amount obtained as a result of the calculation referred to in Section 3.3 of this Schedule, or

- (b) the day which is fifteen (15) years after the day on which the service line extension is completed.

4. Electrical Energy Accounts

- 4.1 No person shall use electrical energy supplied by the City unless an Owner of real property to which that electrical energy has an Electrical Utility account in his or her name.

5. New Accounts

- 5.1 An Owner of real property to which electrical energy is being, or is capable of being supplied, may apply to the City to have an Electrical Utility account opened in his or her name by submitting to the City a completed Existing Electrical Account Application in a form provided by the City and by paying to the City, the existing service connection charge set out in the Fees and Charges Bylaw.

6. Turning Off or On Existing Service

- 6.1 An Owner of real property may apply to have an existing electrical service turned off or on or a disconnected meter reconnected by submitting to the City a completed Existing Electrical Account Application in a form provided by the City and by paying to the City the existing service connection charge set out in the Fees and Charges Bylaw.

6.2 Existing Service Connection and Reconnection Charges

A fee as in the Fees and Charges Bylaw shall apply to all applications involving the following:

- (a) the owner of real property wishes to establish a new electrical utility account in their name;
- (b) the owner of real property wishes to have the electrical meter read;
- (c) the owner of real property wishes to have the existing electrical service turned off and/or turned on;
- (d) the owner of real property wishes a reconnection of a meter after disconnection for violation of the Terms and Conditions contained in this bylaw; and
- (e) where an officer, employee or agent of the City returns to the Owner's real property to complete work that he or she was unable to complete on a previous attendance by reason of the Owner's failure to comply with Section 1.1(e) of "Schedule B."

This fee is designed to defray the costs involved with service calls, meter readings, account set-up and adjustments and billing preparation in addition to the normal cycle. The Customer will therefore be charged for all activity to amend existing accounts including when the Customer is required to pay the charges applicable

for a New Electrical Service or Upgraded Service. If an existing service has been disconnected or salvaged due to inactivity (9 months or more) it will be treated as a new installation.

7. Meter Reading

- 7.1 An Owner of real property or a person designated by the Owner as the agent, may apply to have an electrical meter read by submitting to the City a written request in the form provided by the City and by paying to the City the existing service connection charge set out in the Fees and Charges Bylaw.

7.2 Estimation of Readings

The City may estimate energy consumption and maximum power demand from the best evidence available where a meter has not been installed or is found to be not registering or when the meter reader is unable to read the meter on his/her regular meter reading trip.

7.3 Optional non-radio read meter

An optional service will be offered to those customers who prefer not to have a radio read meter at their service entrance. A digital non-radio read meter will be installed as an alternate to the standard digital radio read meter.

The customer will be required to pay a onetime 'Setup Charge'. For each billing cycle thereafter the customer will be required to pay a 'Manual Read Charge' along with the regular residential service rates applicable under this bylaw.

This service may be discontinued if it is not compatible with the Technology, Practices, Procedures or Capacity of the Electrical Utility. In the event of program cancellation a refund of the setup fee will be made to any customer who subscribed to the service less than two years prior.

7.4 Meter Checking

All meters shall remain the property of the City and are subject to testing at regular intervals by the Electricity Meters Inspection Branch of the Canada Department of Consumer and Corporate Affairs, or a certified meter inspection facility, responsible for affixing government seals on meters. No seal shall be broken and if found so the account holder will be charged for any costs incurred by the City to rectify the issue.

If a customer doubts the accuracy of the meter serving his/her premises, he/she may request that it be tested. Such requests must be accompanied by a payment of the applicable charge as detailed in the Fees and Charges Bylaw.

If the meter fails to comply with the Electricity Meters Inspection Branch requirements and only if the meter is deemed to be overcharging, the City will refund the appropriate amount.

8. Refusal to Connect or Serve

- 8.1 The City may refuse to provide service to any customer who has an unpaid account at any premises within the Service Area or who has otherwise failed to comply with any provision of this Bylaw.

9. Point of Delivery and Metering

- 9.1 For overhead secondary service connections, the point of delivery shall be where the Customer's circuit connects to the City's overhead system at the service mast (not including the attachment point or structure). For an underground secondary service the point of delivery shall be where the underground circuit enters the property owned or occupied by the Customer.
- 9.2 The metering of the Customer's load demand and energy consumption shall be done by facilities owned and provided by the City. The Customer shall, where required, make all necessary provisions for the installation of the City's facilities, including any necessary wiring and fittings and boxes, to the satisfaction of the City and in accordance with all the applicable electrical inspection rules and safety requirements.
- 9.3 The Customer shall take all reasonable care to protect all meters and related apparatus belonging to the City on the Customer's premises and shall reimburse the City for any loss or damage occurrence to same except to the extent that the Customer is able to show that loss or damage was due to defects in such facilities or to omission or negligence on the part of the City's employees.
- 9.4 Where separate points of delivery exist for the supply of electricity to a single Customer or more than one meter is required to properly measure the load demands, consumption and power factors of the Customer's loads as supplied under the applicable rates Schedules, the readings of such meters will be billed separately unless their combination is specifically authorized by the City.

10. Removal of Hazardous Trees from Private Property

- 10.1 The City may without notice to, or the consent of the property Owner, as the case may be, enter at any reasonable time upon all lands and premises for the purpose of inspecting any trees, shrubs and other growths or any other obstacles which may in the City's sole discretion constitute a danger or a hazard to the electrical distribution system.
- 10.2 The City may give notice ("the Notice") to a property Owner, which would require the property Owner to remove, cut, top, prune, move, or otherwise deal with any trees, shrubs and other growths or any other obstacles on a one time or periodic

basis that, in the City's sole discretion, may endanger or present a hazard, or become dangerous or hazardous to the electrical distribution system.

- 10.3 Unless the Notice expressly excludes the requirement to obtain approval in advance, a person will not undertake any works relating to any tree, shrub, or growth that is subject of the Notice, without the prior approval of the City, by filing a work plan, which is satisfactory to the City.
- 10.4 If the property Owner fails to comply with the requirements in the Notice within 20 days of the date of the Notice, or such other later date that may be specified in the Notice, to the satisfaction of the City, then the City may enter at any reasonable time upon the premises for the purpose of removing, cutting, topping, pruning, moving or otherwise dealing with any trees, shrubs and other growths or any other obstacles on a one time or periodic basis or otherwise as required by the Notice.
- 10.5 Notwithstanding the issuance of the Notice, the City may exercise its rights, powers and obligations under this Section to remove the trees, shrubs and other growths or other obstacles that are the subject of the Notice, and the property Owner will compensate and be liable to the City for all costs and expenses incurred by the City in performing the works undertaken by the City.
- 10.6 The City may without notice to, or the consent of the property Owner, as the case may be, enter at any reasonable time upon all lands and premises for the purpose of cutting down any trees, shrubs and other growths or remove any other obstacles that, in the City's sole discretion present an immediate danger or hazard to the electrical distribution system.
- 10.7 The property Owner will be liable to the City for all costs and expenses incurred by the City in performing the works undertaken by the City pursuant to this Section.
- 10.8 If the property Owner, fails to comply with any Notice issued under this Section, or obstructs, resists, interferes or otherwise fails to cooperate with the City when the City is exercising its rights, under this bylaw, then the property Owner will be responsible, liable or otherwise held accountable for any and all costs, expenses, damages or injuries which are suffered or incurred by the City, its employees, agents, contractors, either directly or indirectly, or which result in damage to the electrical distribution system.
- 10.9 When exercising its rights under this bylaw, the City is not responsible, liable or otherwise accountable, either directly or indirectly, for any costs, expenses, damages or injuries that are suffered or incurred by any property Owner or person which are a result of:
 - (a) its entry upon, occupation of or exit from any premises;
 - (b) its trespass on any premises or property;
 - (c) a nuisance created by it;
 - (d) an invasion of privacy committed by it; or
 - (e) its negligent actions or inactions .

- 10.10 Nothing in this Section or Bylaw shall be construed as imposing any additional duty, obligation or requirement on the City to remove, cut, top, prune, move, or otherwise maintain any trees, shrubs, growths or other obstacles that would not otherwise be imposed on the City and at all times, with or without notice, it is the customers responsibility to keep all the trees, shrubs and other growths or other obstacles clear of power lines or electrical infrastructure on the Customers private property.

11. Photo-Voltaic Services

- 11.1 Available for residential usage with solar (PV) installations of not more than 10 kVA ($kVA = \frac{kWAC}{\text{Power Factor}}$).

Commercial photo-voltaic services may be allowed at the discretion of the City.

- 11.2 Each residential photo-voltaic service requires a bi-directional meter which will be installed by the Grand Forks Manager of Operations at the owners cost. Energy in excess of the residence consumption will be purchased by the Electrical Utility at the residential sales rate subject to:
- (a) Energy surplus will be accumulated in each billing cycle and applied first to subsequent consumption.
 - (b) The first 4,000 kWh of annual excess energy will be purchased at the residential rate in effect at the year end. Any energy in excess of 4,000 kWh will be purchased at the prevailing avoided cost of energy purchase.
 - (c) Any surplus over \$50 at year end will be paid to the customer.
 - (d) Any surplus of \$50 or less will be applied as an energy credit to the account.
 - (e) Grid interconnection must be made in accordance with the City's "Interconnection Requirements for Residential Photo-Voltaic Power Producers Guidelines" document, provided by the City and amended from time to time.
- 11.3 Independent Power Producer (IPP) projects or commercial projects not covered in Section 11.1 require special considerations. Approval for the interconnection of power purchase rates will be at the sole discretion of the Grand Forks Electric Utility and structured to prevent negative operating and financial impacts to the electric utility and its rate payers.

12. Types of Service

12.1 Residential Service

Available for residential usage in general including lighting, water heating, spaces heating and cooking.

12.2 Commercial/Industrial/Institutional Service

Available to all ordinary business, commercial, industrial, and institutional customers, including schools and hospitals, where electricity is consumed for lighting, cooking, space heating and single and three-phase motors. Customers requiring primary or secondary service beyond the normal single phase, 200 amp connection may be required to provide the necessary equipment and transformers, which may be situated on their property, at their own cost.

12.3 Seasonal Loads (minimum period of service is three months)

Available for irrigation and drainage pumping and other repetitive seasonal loads taking service specifically agreed to by the City. The Customer will be required to provide all necessary service drop improvements including any step-down transformers at their direct cost unless otherwise specifically agreed to in writing by the City.

12.4 Temporary Construction Service

The City will make the connection to the City's distribution and install the appropriate meter. The Customer will supply and install all other required equipment

Appendix 2

SCHEDULE D

CITY OF GRAND FORKS **ELECTRICAL BILLING AND COLLECTION REGULATIONS**

1. Billings and Payment of Accounts

- 1.1 Bills will be rendered on a basis of actual consumption, in accordance with the rates set out in the Fees and Charges Bylaw.
- 1.2 Bills will be rendered on a bi-monthly basis and will be issued as early as practical in the billing period following that for which the Customer's bill has been determined.
- 1.3 Bills are due and payable upon presentation. Accounts not paid by the "Due Date" imprinted on the statement shall be deemed to be in arrears.
- 1.4 Except as otherwise provided in this Bylaw, or in any amendments thereto, no money received by the City in payment of rates or charges chargeable under this Bylaw or under any amendments thereto, shall be applied to the payment of the rates or charges for the then current month, until all rates and charges which became due in previous months have been fully paid.
- 1.5 Any rates or charges that have come into arrears by the thirty-first (31st) day of December in the year imposed are deemed to be taxes in arrears and bear interest from said date at the rate specified in Section 245 of the Community Charter, as amended from time to time.
- 1.6 **Equal Payment Plan**

Upon application, the City will permit qualifying Customers to make equal monthly payments. The payments will be calculated to yield during the period ending in December, the total estimated amount that would be payable by the Customer calculated by applying the applicable rate, to the Customer's estimated consumption during the period. Customers may make application at any time of the year. All accounts will be reconciled in December.

A Customer will qualify for the plan provided the account is not in arrears and the Customer expects to be on the plan for at least one year.

The equal payment plan may be terminated by the Customer or the City if the Customer has not maintained satisfactory credit. The City deems credit to be unsatisfactory if for any reason two payments fail to be honoured.

On the reconciliation date, the amount payable to the City for electricity will be determined by subtracting the sum of equal payments from the actual consumption

charges during the equal payment period. Any resulting amount owing by the Customer will be paid to the City. Any excess of payments over charges will be carried forward and included in the calculation of the equal payments for the next period. On termination of account and after the final bill has been calculated, any credit balance will be refunded to the Customer.

1.7 Penalty

A penalty, as set out in the City's Fees & Charges Bylaw, will be added to outstanding balances of all accounts after the due date. This provision does not apply to equal payment plan Customers.

1.8 Back-Billing

For the purposes of this Bylaw, back billing shall mean the billing or re-billing for services to a Customer because original billings are discovered to be either too high (over-billed) or too low (under-billed). The discovery may be made by either the Customer or the City.

Where metering or billing errors occur, the consumption shall be based upon the records of the City for the Customer, the Customer's own records to the extent they are available and accurate, or reasonable and fair estimates made by the City. Such estimates shall be on a consistent basis within each rate class or according to a contract with the Customer, if applicable.

If there are reasonable grounds to believe that the Customer has tampered with or otherwise used the service in an unauthorized way, or evidence of fraud, theft or other criminal act exists, then the extent of back-billing shall be for the duration of unauthorized use as determined solely by the Manager of Operations, subject to the applicable limitation period provided by law.

In addition, the Customer shall be liable for the direct administrative costs incurred by the City in the investigation of any incident of tampering, including the direct costs of repair, or replacement of equipment.

In a case of over-billing, the City may refund to the Customer all money incorrectly collected for the duration of the error, subject to the applicable limitation period provided by law.

In cases of under billing, the City may offer the Customer reasonable terms of repayment. If requested by the Customer, the repayment term may be equivalent in length to the back-billing period. The repayment may be interest free and in equal installments corresponding to the Customer's normal billing cycle. However, delinquency in payment of such installments shall be subject to the usual late payment charge.

Subject to the rest of Section 1 of this Schedule, all bills will be sent to the Owner of real property to which electrical energy is supplied by the City.

An Owner of real property to which electrical energy is or may be supplied under this Bylaw may deliver to the City a request in writing, signed by that Owner, requesting that the City send electrical energy Bills relating to that real property to an occupier of that real property and where that occupier consents in writing to receive those electrical energy bills, the City may send the electrical energy bills to that occupier until:

- (a) the City becomes aware that the occupier has ceased to occupy that real property;
- (b) electrical energy service to that real property is discontinued; or
- (c) the Owner of that real property requests in writing that bills relating to that real property be sent to that Owner. Where electrical energy bills are sent to an occupier of real property under Section 1 of this Schedule, the Owner of that real property remains the Customer for the purposes of this Bylaw

2. Term of Service

Unless otherwise specifically provided for in these terms and conditions, the terms of service shall:

- (a) commence on the day that the City's supply is connected to the Customer's service installation and is capable of supplying their electricity needs; and
- (b) continue thereafter until cancelled by written notice given in advance by at least two business days by either party. The amount of the account outstanding upon cancellation shall be deemed due and payable immediately.

3. Application of Rates

All electrical Energy supplied by the Electric Utility to its appropriate Customer classifications shall be billed in accordance with the applicable rates as set out in the Fees and Charges Bylaw.

In addition to payments for electricity, the Customer shall pay to the City the amount of any sales taxes, goods and services taxes, or any other tax or assessment levied by any competent taxing authority on any electricity delivered to the Customer.

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council

From: Chief Financial Officer

Date: April 10, 2017

Subject: Five Year Financial Plan Bylaw No. 2036

Recommendation: **RESOLVED THAT COUNCIL** give final reading to the Five Year Financial Plan Bylaw 2017-2021, No. 2036.

BACKGROUND:

Sections 165 and 166 of the Community Charter require a municipality to adopt a five-year financial plan annually, before the annual property tax bylaw is adopted, and to include public consultation as part of the process prior to adoption of the financial plan.

After conducting five public workshops during January and February, the Committee of the Whole was presented with three options for revenue increases on March 13, 2017, and chose the third option, which was for a 3.5% increase in tax revenues over and above the additional revenues resulting from assessment increases. This increase will provide for an additional \$125,062 towards infrastructure renewal and replacement.

Bylaw 2036 was given three readings at the March 27, 2017 Regular Meeting of Council.

The Five Year Financial Plan Bylaw for 2017-2021, along with ancillary schedules, is presented here for final reading.

Benefits or Impacts of the Recommendation:

General: Adoption of a five-year financial plan is an annual requirement of the Community Charter. The 2017-2021 Financial Plan sets out the proposed funding sources, expenditures and transfers to and between funds for the current and additional four fiscal years.

Strategic Impact: The Financial Plan has been developed by applying the objectives and policies of Asset Management Financial Policy 808 towards achieving a goal of financial sustainability.

Financial: Preparation of an annual budget and financial plan allows the City to ensure that adequate provision is made to meet its short and long-term operational and capital financial needs.

REQUEST FOR DECISION

— REGULAR MEETING —



Policy/Legislation: Section 165 of the Community Charter
Asset Management Financial Policy No. 808.

Attachments: Five Year Financial Plan Bylaw No. 2036

Recommendation: RESOLVED THAT Council give final reading to the Five Year
Financial Plan Bylaw 2017-2021, No. 2036.

- OPTIONS:**
1. RESOLVED THAT COUNCIL ACCEPTS THE RECOMMENDATION.
 2. RESOLVED THAT COUNCIL DOES NOT ACCEPT THE RECOMMENDATION.
 3. RESOLVED THAT COUNCIL REFERS THE MATTER BACK TO STAFF FOR FURTHER INFORMATION.

 Department Head or CAO	 Chief Administrative Officer
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THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2036

A Bylaw to Establish the Five Year Financial Plan For the Years 2017 - 2021

WHEREAS in accordance with Section 165 of the *Community Charter*, the Council is required to adopt a Five Year Financial Plan annually before the adoption of the annual property tax bylaw;

NOW THEREFORE the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. Schedule "A" attached hereto and forming part of this bylaw is hereby adopted as the Statement of Objectives and Policies for the Five Year Financial Plan for the years 2017 to 2021.
2. Schedules "B" and "C" attached hereto and forming part of this bylaw are hereby adopted as the Financial Plan schedules of proposed funding sources, expenditures, and transfers between funds for the years 2017 to 2021.
3. This bylaw may be cited, for all purposes, as the "Five Year Financial Plan Bylaw, 2017-2021, No. 2036".

INTRODUCED this 13th day of March, 2017.

Read a **FIRST** time this 27th day of March, 2017.

Read a **SECOND** time this 27th day of March, 2017.

Read a **THIRD** time this 27th day of March, 2017.

FINALLY ADOPTED on this 10th day of April, 2017.

Mayor Frank Konrad

Corporate Officer Diane Heinrich

C E R T I F I C A T E

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2036,
as adopted by the Municipal Council of the City of Grand Forks
on this 10th day of April, 2017.

Corporate Officer of the Municipal Council of the
City of Grand Forks

**CORPORATION OF THE CITY OF GRAND FORKS
5 Year Financial Plan Bylaw 2036
Schedule "A" Statement of Objectives and Policies**

In accordance with Section 165 (3.1) of the Community Charter, The City of Grand Forks is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the Community Charter;
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Funding Sources

Objective:

- For operations, to maintain annual increases to a level that approximates the annual increase in inflation unless a specific program or project is identified that requires tax revenue funding.
- For capital and fiscal, to review and address annually the long term needs for capital infrastructure.

Policies

- After an initial correction period, ensure that property tax increases remain as stable as possible over time and within 2 percent above inflation.
- Increase utility rates consistently over time, between 3 and 4 percent, to fund the asset management capital reserves.
- Evaluate and set user fees and charges fairly for the services received.
- Set taxes, fees and charges to achieve full cost recovery, where appropriate, for operating costs.
- Periodically review fees and charges to ensure that they account for inflation and changes in the level of service provided.
- Encourage the use of alternate revenue resources instead of property taxes.

Revenue Source	Amount	% of Total Revenue
Property Value Taxes	\$ 3,816,587	17.6%
Parcel Taxes	161,226	0.7%
Fees and Charges	7,512,874	34.6%
Other Sources	5,435,392	25.0%
Proceeds from Borrowing	1,428,784	6.6%
Reserve Funding	3,383,800	15.6%
TOTAL	\$ 21,738,663	100.0%

Distribution of Property Taxes

Objective:

- To ensure property taxes and rates are sufficient to meet the City's short and long-term needs.
- To ensure equity among the property classes by reviewing the ratios of property class allocations annually.

Policies:

- Conduct periodic reviews of taxes paid by individual classes.
- Consider tax shifts or redistributions only where a full comprehensive analysis and impact is undertaken.
- Where a tax shift is required, consider a gradual phase-in to allow the properties in the class to adjust their budgets accordingly.
- In establishing property tax rates, take into consideration:
 - The amount of property taxes levied as compared to other municipalities.
 - The property class conversion ratio as compared to other municipalities.
 - The tax share borne by each property class
 - The tax ratios of each property classification

The 2017 distribution of property taxes rates among the different classes has not yet been determined. The following distribution is based on rate multiples consistent with prior years:

Property Class	Rate Multiple	% of Property Value Tax
01 Residential	1.00	54.20%
02 Utilities	7.95	1.32%
04 Major Industry	8.63	22.07%
05 Light Industry	2.93	1.43%
06 Business	2.39	20.95%
08 Recreation/Non Profit	0.80	0.03%
09 Farm	1.08	0.01%
TOTAL		100.00%

Permissive Tax Exemptions**Objective**

- Optimize the provision of charitable and not for profit services for the benefit of Grand Forks residents.
- Provide property tax exemptions as permitted under the Community Charter in a consistent and fair manner.
- Restrict the provision of exemption to those providing an extension to City services and minimize the impact on City revenues.

Policies

- Grand Forks residents must be primary beneficiaries of the organization's services and the services provided must be accessible to all members of the public.
- In guiding and approving permissive tax exemptions, Council will take into consideration:
 - Not-for-profit occupiers of City property for the duration of their occupancy.
 - Land and improvements surrounding a statutorily exempt building for public worship.

CORPORATION OF THE CITY OF GRAND FORKS
5 Year Financial Plan Bylaw 2036
Schedule "B" Five Year Financial Plan 2017-2021

	2017	2018	2019	2020	2021
	Budget	Budget	Budget	Budget	Budget
Revenues					
Property Taxes	\$ 3,698,273	\$ 3,827,713	\$ 3,961,683	\$ 4,100,342	\$ 4,243,854
Parcel and Frontage Taxes	161,226	161,226	161,226	161,226	5,826
Grants in Lieu of Taxes	15,780	16,332	16,904	17,496	18,108
Percentage of Revenue Tax	102,534	104,000	104,000	104,000	104,000
Sales of Services and User Fees	7,512,874	7,779,026	8,037,607	8,305,239	8,582,238
Grants	5,116,179	999,000	965,000	970,000	975,000
Other Revenues	319,213	244,500	507,248	507,248	507,248
Total Revenues	16,926,079	13,131,797	13,753,668	14,165,551	14,436,274
Expenses					
Purchases for resale	3,505,300	3,575,406	3,646,914	3,719,852	3,794,249
General Government	1,182,590	1,083,602	1,099,524	1,120,864	1,142,631
Protective Services	928,111	821,794	798,381	814,178	830,292
Transportation Services	1,196,464	1,220,393	1,244,801	1,269,697	1,295,091
Environmental & Health Services	220,300	224,706	229,200	233,784	238,460
Public Health Services	94,202	96,086	98,008	99,968	101,967
Planning and Development	564,333	370,193	376,627	383,190	389,884
Parks, Recreation and Cultural Services	1,294,800	1,260,386	1,279,107	1,298,202	1,289,379
Water Services	814,413	830,701	847,315	864,261	881,546
Electrical Services	701,766	715,801	730,117	744,719	759,613
Wastewater Services	720,547	734,958	749,657	764,650	779,943
Amortization	1,859,889	2,042,696	2,113,317	2,136,467	2,210,701
Debt Interest	120,786	162,319	313,756	288,969	287,502
Total Expenses	13,203,501	13,139,041	13,526,724	13,738,801	14,001,258
Surplus (Deficit) for the year	\$ 3,722,578	\$ (7,244)	\$ 226,944	\$ 426,750	\$ 435,016
Adjusted for non-cash items					
Amortization	1,859,889	2,042,696	2,113,317	2,136,467	2,210,701
Total Cash from Operations	\$ 5,582,467	\$ 2,035,452	\$ 2,340,261	\$ 2,563,217	\$ 2,645,717
Adjusted for Cash Items					
Proceeds from Borrowing	1,428,784	5,100,000	-	-	-
Capital Expenditures	(8,702,250)	(7,175,000)	(2,234,000)	(2,187,000)	(1,847,000)
Debt Principal Repayments	(314,789)	(370,007)	(479,261)	(433,200)	(311,310)
Transfer from Reserves	3,383,800	2,075,000	2,234,000	2,187,000	1,847,000
Transfer to Reserves	(1,100,000)	(1,400,000)	(1,600,000)	(1,900,000)	(2,100,000)
Transfer to Surplus	(278,012)	(265,445)	(261,000)	(230,017)	(234,407)
	\$ (5,582,467)	\$ (2,035,452)	\$ (2,340,261)	\$ (2,563,217)	\$ (2,645,717)
Financial Plan Balance	\$ -	\$ -	\$ -	\$ -	\$ -

CORPORATION OF THE CITY OF GRAND FORKS
5 Year Financial Plan Bylaw 2036
Schedule "C" Five Year Financial Plan 2017-2021

CORPORATION OF THE CITY OF GRAND FORKS FINANCIAL PLAN BYLAW NO. 2036

CAPITAL EXPENDITURES - 2017			FUNDED FROM											
Description	Fund	Amount	General Capital	Electrical Capital	Water Capital	RESERVES					Slag	DEBT	GRANTS	OTHER
						Sewer Capital	Equipment	Land Sales	Gas Tax					
2016 Carry Forward Projects														
Silver Kettle Sidewalk	General	150,000	150,000											
Public Works Fuel Tanks	General	75,000	75,000											
Whispers of Hope Roof	General	15,000	15,000											
5 tonne Dump Truck	General	250,000					250,000							
T-Tech trailer	General	13,679					13,679							
GIS Phase 2	General	2,759	2,759											
Riverside Reconnector	Electrical	7,395		7,395										
Electrical Substation Engineering	Electrical	48,709	48,709											
West Side Fire Protection	Water	928,784									928,784			
Water/Sewer Scada	Water	5,575						5,575						
Residential Water Meter Project	Water	22,538							22,538					
Well #3 Pump and Motor	Water	13,981	13,981											
5th Street Watermain Replacement	Water	312,428							312,428					
Wastewater Treatment Plant UV	Sewer	457,675						151,009					306,666	
Headworks Grinder	Sewer	34,343						34,343						
Water/Sewer Scada	Sewer	5,575						5,575						
3rd Street Sewer Main Repair	Sewer	35,309	35,309											
2017 New Projects														
Public Works Upgrades	General	20,000	20,000											
JD Park Stadium Padding	General	15,000								15,000				
Service Truck Replacement	General	60,000	60,000											
PW Photocopier	General	15,000	15,000											
Expo Sign changes	General	35,000								35,000				
Library HRV	General	12,000												12,000
Public Works - 22nd Street	General	750,000	250,000								500,000			
Wayfaring Signs	General	65,000								65,000				
LED Lighting	General	50,000								50,000				
Emergency Repair Fund	General	50,000	50,000											
Flood Plain Mapping & Dike Restoration	General	50,000	50,000											
Holder Replacement	General	200,000					200,000							
Airport AWOS Upgrade	General	220,000	55,000										165,000	
Transformer Replacement Programs	Electrical	80,000	80,000											
Substation Engineering	Electrical	500,000	500,000											
City Park Lift Station Upgrade	Sewer	15,000	15,000			15,000								
Bio-Solids Land Application Plan	Sewer	25,000												
Sewer Main Relining	Sewer	25,000	25,000											
Wastewater Treatment Plant Upgrades	Sewer	4,010,000	682,000										3,328,000	
Sewer Phasing Plan	Sewer	100,000	17,000										83,000	
Sewer Lift Station Pumps	Sewer	15,000	15,000			15,000								
Water Supply & Conservation	Water	11,500			11,500									
GRAND TOTAL		8,702,250	2,174,758	7,395	11,500	30,000	463,679	196,502	334,966	165,000	1,428,784	3,882,666	12,000	