



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
REGULAR BOARD MEETING**

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 12:30 pm Thursday July 21, 2011 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair D. Ashton, City of Penticton	Director G. Litke, City of Penticton
Vice-Chair T. Chapman, Electoral Area 'E'	Director R. McLean, Town of Princeton
Director M. Brydon, Electoral Area 'F'	Director A. Patton, Electoral Area 'C'
Director D. Banman, Alt. Electoral Area 'G'	Director M. Pendergraft, Electoral Area 'A'
Director G. Clark, District of Summerland	Director K. Roberge, District of Summerland
Director W. Despot, Village of Keremeos	Director B. Schwarz, Electoral Area 'D'
Director P. Hampson, Town of Oliver	Director J. Sentes, City of Penticton
Director W. Makepeace, Alt. Electoral Area 'B'	Director J. Vassilaki, City of Penticton
Director B. Hope, Electoral Area 'H'	Director S. Wells, Town of Osoyoos

MEMBERS ABSENT:

Director E. Christensen, Electoral Area 'G'
Director G. Hanson, Electoral Area 'B'

STAFF PRESENT:

B. Newell, Chief Administrative Officer	E. Riechert, Planner
D. Butler, Development Services Manager	M. McNaughton, Planner
C. Cowan, Deputy Corporate Officer	D. French, Public Works Manager
C. Garrish, Planner	L. Bloomfield, Engineering Technician

1. ADOPTION OF AGENDA

B337/11 It was MOVED and SECONDED

THAT the RDOS Board amend the agenda for the RDOS Board Meeting scheduled for July 21, 2011 by:

Adding Item 6.1.2 Naramata Benchlands Zoning Bylaw Amendment Application – Electoral Area 'E';

Adding Item 10.2 Princeton Aquatic Centre;

AND receive all correspondence and reports on the July 21, 2011 agenda.

CARRIED

2. MINUTES (Unweighted Corporate Vote – Simple Majority)

2.1 Corporate Services Committee Meeting – July 7, 2011

B338/11A It was MOVED and SECONDED

THAT the RDOS Board receive the minutes of the Corporate Services Committee Meeting held July 7, 2011.

CARRIED

2.2 RDOS Regular Board Meeting – July 7, 2011

B339/11A

It was MOVED and SECONDED

THAT the RDOS Board adopt the minutes of the RDOS Board Meeting held July 7, 2011 as circulated.

CARRIED

3. DELEGATION

3.1 Anna Warwick Sears, Executive Director
Okanagan Basin Water Board

Dr. Sears addressed the Board regarding Okanagan Basin Water Board's Water Management Program.

3.1.1 Memo dated July 13, 2011 from OBWB re Water Management Program review

3.1.2 OBWB Governance Manual

3.1.3 Water Management Program Review

B340/11A

It was MOVED and SECONDED

THAT the Regional District of Okanagan-Similkameen reaffirms support for the Okanagan Basin Water Board's Water Management Program under the terms of reference given in the OBWB Governance Manual, as adopted by this Board on January 7, 2010, and contingent on mutual agreement by the Regional Districts of North and Central Okanagan.

CARRIED

4. Close Meeting – Labour Issues

B341/11 It was MOVED and SECONDED

THAT in accordance with Section 90.(1)(c) of the *Community Charter*, the Board close the meeting to the public on the basis of labour relations or other employee relations.

CARRIED

The meeting was closed to the public at 1:09 pm.

The meeting was opened to the public at 3:31 pm

B342/11 It was MOVED and SECONDED

That the Closed Meeting Motion (C01/11) with respect to the Keremeos Fire Department be disclosed in open meeting.

CARRIED

Closed Meeting Motion C01/11

It was MOVED and SECONDED

THAT the Board POSTPONE consideration of this matter to the August 4, 2011 Closed Meeting and request that the RDOS Solicitor be directed to attempt to achieve a negotiated settlement.

CARRIED

The meeting recessed at 3:33 pm
The meeting reconvened at 3:38 pm

5. UNFINISHED BUSINESS

B343/11 It was MOVED and SECONDED

THAT Item 6.1.2 - Naramata Benchlands, Item 6.3.3 – DVP Application E02278.000 R. Reisig, Item 6.4.1 – Bylaw Enforcement C05350.000 37429 Island Way Road, Item 6.4.2 - Bylaw Enforcement C05354.000 37406 Island Way Road, Item 10.2 – Princeton Aquatic Centre and Item 11.2 – Award of Fire Dispatch Contract be brought forward at this time in the meeting.

CARRIED

Addendum

6.1.2

Naramata Benchlands Zoning Bylaw Amendment Application – Electoral Area 'E'

B344/11P

It was MOVED and SECONDED

THAT the Board rescind Resolution B201/11P of the April 7, 2011 Board Meeting relating to Bylaw No. 2458.03, 2011, and Bylaw No. 2459.06, 2011.

CARRIED

B345/11P

It was MOVED and SECONDED

That Bylaw No. 2458.03, 2011, Electoral Area 'E' Official Community Plan Amendment Bylaw and Bylaw No. 2459.06, 2011, Electoral Area 'E' Zoning Amendment Bylaw be read a first and second time, as amended, and proceed to public hearing;

AND THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated March 17, 2011, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

AND THAT, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2458.03, 2011, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to Director Chapman, or delegate; AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Chapman, or delegate;

AND THAT staff give notice of the public hearing in accordance with the requirement of the *Local Government Act*;

AND THAT the OCP Section 7.3.2 be amended to provide an exemption for Lot A, Plan KAP58675, DL 3474, SDYD (3480 Arawana Road) and DL 3474, Except Plan KAP44343, KAP53674, KAP59640, SDYD from the requirement for a Comprehensive Development Plan (CPD);

AND THAT prior to adoption:

- 1) the property owner registers on Plan 1190, District Lot 2711, Subsidy Lot 14, Except Plan A62, 29843, 38736, KAP44343, KAP45544, KAP46231, KAP54137, KAP57167, KAP86517, KAP91675, SDYD, the following:
 - (i) a statutory right-of-way in favour of the RDOS to protect wildlife movements and habitat on the whole of the parcel, but making provision for the extension of utilities, with appropriate restoration, through the site; and
 - (ii) a restrictive covenant prohibiting development on the whole of the parcel; and that both the statutory right-of-way and the restrictive covenant are granted priority on title.
- 2) a restrictive covenant is registered on all of that part of 3480 Arawana Road (being Lot A, Plan KAP58675, District Lot 3474, SDYD) currently zoned Small Holdings Two (SH2) to protect ungulate movements through this part of the property, and prohibiting subdivision until such time as:
 - (i) the wildlife corridor through that part of 3480 Arawana Road (being Lot A, Plan KAP58675, District Lot 3474, SDYD) currently zoned Small Holdings Two (SH2) is established in consultation with a suitably qualified wildlife professional;
 - (ii) the wildlife corridor outlined in (i) shall occur in the event of a rezoning or if a rezoning does not occur or subdivision of that part of Lot A, Plan KAP58675, District Lot 3474, SDYD lying north of Arawana Road into 2 or more lots; and
 - (iii) once established, an application be made to rezone this wildlife corridor to Conservation Area (CA);
- 3) THAT the Board resolves that, at the time of subdivision, the Subdivision Approving Officer be requested to register a restrictive covenant on that part of 3480 Arawana Road (being Lot A, Plan KAP58675, District Lot 3474, SDYD) and District Lot 3474, Except Plan KAP44343, KAP53674 and KAP59640, SDYD, proposed to be zoned Small Holdings Five (SH5) that incorporates the recommendations of the "Wildland/Urban Interface Fire Hazard Assessment for the Naramata Benchlands Development" prepared by Swanson Forestry Services Limited and dated 19 May 2005;

AND THAT the Board resolves that no part of 3440 Arawana Road (being Plan 1190, District Lot 2711, Subsidy Lot 14, Except Plan A62, 29843, 38736, KAP44343, KAP45544, KAP46231, KAP54137, KAP57167, KAP86517, SDYD), and which is proposed to be zoned Conservation Area (CA) be accepted for the purposes of satisfying parkland dedication under the *Local Government Act*;

AND FURTHER THAT the Regional District Board supports the Naramata Benchland Properties (NBP) in their efforts to attain eco gifting status on the transfer of the above property to a recognized conservation agency.

CARRIED

- 6.3.3 E02278.000 R. Reisig, 4389 Mill Road, Naramata
 - 6.3.3.1 Letter dated July 10, 2011 from C.P. & M. Salting
 - 6.3.3.2 Letter dated July 12, 2011 from D. & H. Tisseur
 - 6.3.3.3 Letter dated July 14, 2011 from K. McLaren, B & A. Richards

B346/11P

It was MOVED and SECONDED

THAT the Board approve Development Variance Permit No. E11-02278.000 as amended by reducing the north side setback from 3 metres to 1.5 metres.

CARRIED

- 6.4.1 C05350.000 37429 Island Way Road

B347/11P

It was MOVED and SECONDED

THAT the Regional District Board initiate legal proceedings against the property owners of Lot 1, Plan 11381, District Lot 2450s, SDYD, Portion Lot 71, SDYD to seek compliance with RDOS Zoning Bylaw 2453, 2008.

CARRIED

- 6.4.2 C05354.000 37406 Island Way Road

Mr. Advani addressed the Board and indicated that the property owner was willing to enter into an agreement with the RDOS to have the vehicles removed over a 3 year period with a 2 year extension if only half of the vehicles were removed at the end of that of time.

B348/11P

It was MOVED and SECONDED

THAT the Regional District of Okanagan Similkameen commence legal proceedings against the owners of Lot 73, Plan 1729, DL 2450s to seek compliance with RDOS Zoning Bylaw No. 2453, 2008.

CARRIED

- Addendum 10.2 Princeton Aquatic Centre (*Unweighted Corporate Vote – 2/3 Majority*)

It was MOVED and SECONDED

THAT the RDOS Board rescind Board Resolutions B331/11, B332/11 and B333/11 from the July 7, 2011 Board Meeting regarding the Princeton Aquatic Centre.

B349/11
POSTPONED

It was MOVED and SECONDED

THAT the Board **POSTPONE** consideration of rescinding the Resolutions to the August 4, 2011 Board Meeting

CARRIED

Chair Ashton vacated the Chair at 4:19 pm
Vice-Chair Chapman assumed the Chair at 4:19 pm

11.2 Award of Fire Dispatch Contract (Weighted Corporate Vote – Majority)

B350/11 It was MOVED and SECONDED

THAT the Regional Board extend the Regular Board Meeting past 5:00 pm

CARRIED

B351/11CS It was MOVED and SECONDED

THAT the Regional Board award a five (5) year agreement to the City of Kelowna based upon their proposal; "Fire Dispatch Service", dated July 5, 2011, for the five (5) year total of \$1,075,999;

AND THAT the RDOS Board authorize the Chair and Chief Administrative Officer to execute an agreement with the City of Kelowna for the "Fire Dispatch Service".

CARRIED

Opposed: Directors Sentes, Hampson, Vassilaki, Litke, Ashton, McLean

DEVELOPMENT SERVICES DEPARTMENT

6. RURAL LAND USE MATTERS

6.1 Bylaws at Second Reading (Unweighted Rural Vote – 2/3 Majority)

Area C

6.1.1 C05782.000 R. & D. Griffith, 33645 Sawmill Road

6.1.1.1 Bylaw No. 2452.05, 2010, Electoral Area 'C' Official Community Plan Amendment Bylaw

6.1.1.2 Bylaw No. 2453.09, 2010, Electoral Area 'C' Zoning Amendment Bylaw

B352/11P It was MOVED and SECONDED

THAT Bylaw No. 2452.05, 2010, Electoral Area 'C' Official Community Plan Amendment Bylaw and Bylaw No. 2453.09, 2010, Electoral Area 'C' Zoning Amendment Bylaw be read a third time and be adopted.

CARRIED

12.1 Kaleden Hall Upgrade – Request for Proposal Award (Weighted Corporate Vote – Majority)

B353/11CS It was MOVED and SECONDED

THAT the Board award the Kaleden Community Hall Upgrade Project to Solara Homes for the budgeted amount of up to \$93,000;

AND THAT the Board authorize the Chair and Chief Administrative Officer to execute the Contract Services Agreement.

CARRIED

B354/11

It was MOVED and SECONDED

THAT due to the lateness of the day the remainder of the agenda items be POSTPONED to the August 4, 2011 Regular Board Meeting.

CARRIED

Addendum

6.1.2 Naramata Benchlands Zoning Bylaw Amendment Application – Electoral Area ‘E’

This item was dealt with earlier in the meeting; please refer to pages 3 and 4 of these Minutes.

6.2 Bylaws to be Introduced (Unweighted Rural Vote - Simple Majority)

6.2.1 Climate Action Policies

6.2.1.1 Bylaw 2561, 2011 Climate Action Policies for Electoral Areas ‘A’, ‘C’, ‘D-1’, ‘D-2’, ‘E’ and ‘F’ in the Regional District of Okanagan-Similkameen Official Community Plan Bylaws

6.2.1.2 Agency Responses

6.2.2 Meteorological Towers

6.2.2.1 Bylaw 2562, 2011 a Bylaw to establish a definition of meteorological towers and permit the use of meteorological towers in the Resource Area (RA) zone within areas ‘A’, ‘C’, ‘D-1’, ‘D-2’, ‘E’, ‘F’, ‘G’ and ‘H’ of the Regional District of Okanagan-Similkameen

6.2.2.2 Agency Responses

6.3 Development Variance Permit Applications (Unweighted Rural Vote – Simple Majority)

Area C

6.3.1 C05628.010 O & K Chung, 33628 123rd Street, Rural Oliver

6.3.1.1 Letter dated July 13, 2011 on behalf of D. Dhaliwal & S. Dhaliwal

Area D

6.3.2 D06800.061 Ricard, adjacent to 6856 Eastside Road

Area E

6.3.3 E02278.000 R. Reisig, 4389 Mill Road, Naramata

This item was dealt with earlier in the meeting; please refer to page 5 of these Minutes.

Area H

6.3.4 H00744.340 C. & L. Ng, 3157 Coalmont Road, Tulameen

6.4 Bylaw Enforcement (Unweighted Rural Vote – Simple Majority)

Area C

6.4.1 C05350.000 37429 Island Way Road

This item was dealt with earlier in the meeting; please refer to page 5 of these Minutes.

6.4.2 C05354.000 37406 Island Way Road

This item was dealt with earlier in the meeting; please refer to page 5 of these Minutes.

PUBLIC WORKS DEPARTMENT

7. PUBLIC WORKS

7.1 Bylaws to be Introduced (Unweighted Corporate Vote – 2/3 Majority)

7.1.1 Bylaw No. 2567, 2011 Electoral Area 'D' Community Works (Gas Tax) Reserve Fund Expenditure Bylaw

7.2 Award of Contract for Waste Asphalt Shingle Recycling (Weighted Corporate Vote – Majority)

CHIEF ADMINISTRATIVE OFFICER

8. CAO REPORTS

8.1 Verbal Update

9. LEGISLATIVE ISSUES

9.1 Area 'F' Advisory Planning Commission (Unweighted Corporate Vote – Simple Majority)

FINANCE DEPARTMENT

10. FINANCE

10.1 Second Quarter Variance Report

Addendum 10.2 Princeton Aquatic Centre (Unweighted Corporate Vote – 2/3 Majority)

This item was dealt with earlier in the meeting; please refer to page 5 of these Minutes.

COMMUNITY SERVICES DEPARTMENT

11. PROTECTIVE SERVICES

11.1 Keremeos Volunteer Fire Department Appointment (*Unweighted Corporate Vote – Simple Majority*)

11.2 Award of Fire Dispatch Contract (*Weighted Corporate Vote – Majority*)

This item was dealt with earlier in the meeting; please refer to page refer to page 6 of these Minutes.

12. SPECIAL PROJECTS

12.1 Kaleden Hall Upgrade – Request for Proposal Award (*Weighted Corporate Vote – Majority*)

This item was dealt with earlier in the meeting; please refer to page 6 of these Minutes.

13. OTHER BUSINESS

13.1 Chair's Report

13.2 Board Appointments

13.2.1 Municipal Finance Authority

13.2.2 Okanagan Basin Water Board

13.2.3 Okanagan-Kootenay Sterile Insect Release Board

13.2.4 Okanagan Regional Library

13.3 Board Representation Report

13.3.1 Noxious Weed

13.3.2 Okanagan Film Commission

13.3.3 Southern Beetle Steering Committee

13.3.4 Airshed Coalition Committee

13.4 Directors' Motions


13.5 Board Members Verbal Update

ADJOURN

B355/11 It was MOVED and SECONDED
THAT the meeting now conclude.

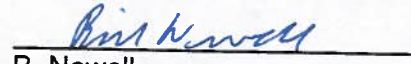
CARRIED
(5:27 pm)

APPROVED:



D. Ashton
RDOS Board Chair

CERTIFIED CORRECT:



B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN CLOSED BOARD MEETING

Minutes of the Closed Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 1:09 pm Thursday July 21, 2011 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair D. Ashton, City of Penticton
 Vice-Chair T. Chapman, Electoral Area 'E'
 Director M. Brydon, Electoral Area 'F'
 Director D. Banman, Alt. Electoral Area 'G'
 Director G. Clark, District of Summerland
 Director W. Despot, Village of Keremeos
 Director P. Hampson, Town of Oliver
 Director W. Makepeace, Alt. Electoral Area 'B'
 Director B. Hope, Electoral Area 'H'

Director G. Litke, City of Penticton
 Director R. McLean, Town of Princeton
 Director A. Patton, Electoral Area 'C'
 Director M. Pendergraft, Electoral Area 'A'
 Director K. Roberge, District of Summerland
 Director B. Schwarz, Electoral Area 'D'
 Director J. Sentes, City of Penticton
 Director J. Vassilaki, City of Penticton
 Director S. Wells, Town of Osoyoos

MEMBERS ABSENT:

Director E. Christensen, Electoral Area 'G'
 Director G. Hanson, Electoral Area 'B'

STAFF PRESENT:

B. Newell, Chief Administrative Officer
 C. Cowan, Deputy Corporate Officer
 P. Tracy, Human Resources Manager
 D. Kronebusch, Emergency Services Supervisor

4.1 Keremeos & District Volunteer Fire Department (KDVFD)

A hearing under Section 202 of the Local Government Act regarding the recommendation to terminate the membership of Doug MacLeod from the Keremeos & District Volunteer Fire Department was opened at 1:09 pm

In Attendance for the RDOS

Bill Newell, CAO
 Jordy Bosscha, KDVFD Chief
 Dale Kronebusch, Emergency Services Supervisor
 Patty Tracy, Human Resources Manager

In Attendance for Mr MacLeod

Lindsay Lyster, Moor Edgar Olson LLP, Legal Council
 Doug MacLeod
 Mrs MacLeod

Mr. Newell presented the case of the Employer; the Board had received the Employer's report with their agenda on July 15, 2011. Prior to presenting the 3 arguments for recommending the termination of Mr. MacLeod. Mr. Newell provided a correction to three dates that were within the report – January 7th should be January 13th (Executive met with Mr. McLeod) and the January 27th date should be January 30th (3 month leave of absence).

Mr. Newell provided 3 arguments and instances for the Employers recommendation of dismissal on the following:

1. Failure to follow orders
2. Repeated willful flouting of established procedures
3. Undermining the credibility of the Chief

Mr. Newell indicated that the Employer wants the outcome to be beneficial to the Keremeos Volunteer Fire Department and they don't believe that it would benefit the fire department to bring back Mr. MacLeod as the relationship between the Fire Chief and Mr. MacLeod is irrevocable broken. Mr. Newell indicated that both the Chief and Mr. MacLeod had been long standing members of the department and the instances had occurred over a number years.

The Board was given an opportunity to seek clarification from Mr. Newell with respect to the presentation. There were no questions of Mr. Newell.

Ms. Lyster provided the Board with a brief of documents and a number of loose documents and proceeded to represent Mr. MacLeod with respect to appealing the recommendation of the Employer. Chair Ashton asked that as there were a number of documents that as Ms. Lyster was discussing them that she direct the Board to the item that is being discussed.

It was the understanding of Ms. Lyster that the process for the hearing would be a questioning of witnesses with a right for cross examination. However, the day prior to the hearing RDOS council contacted her and advised of the process that was to take place during the hearing.

Ms. Lyster proceeded to question Mr. MacLeod to provide him with the opportunity to provide his views with respect to his activities as a volunteer fire fighter and training officer with the Keremeos Volunteer Fire Department and the issues that have been brought forward by the Employer.

Mr. MacLeod indicated that when the Employer met with him to discuss Mr. MacLeod's return to work he was asked to voluntarily retire from the department with full honours. Mr. MacLeod indicated that he asked if he could think about this request and was told by Mr. Kronebusch that he had 5 minutes to decide. Mr. MacLeod advised that he would not retire and Mr. Kronebusch handed him a letter that advised him of his termination from the Keremeos Volunteer Fire Department.

Ms. Lyster provided a submission at the end of the questioning; she indicated that it is not clear in the Employers report as to whether the termination of Mr. MacLeod as a Volunteer Fire Department is with or without cause. Ms Lyster indicated that the report presented by the Employer did not provide a fair picture of the events and specified that a personality conflict between Mr. MacLeod and Chief Bosscha was not cause for terminating Mr. MacLeod. Ms. Lyster said that there was no base for terminating Mr. MacLeod.

Ms. Lyster indicated that Mr. MacLeod was seeking the following:

- Immediate reinstatement to full and active membership with the Keremeos Volunteer Fire Department
- Seeks compensation for the wages he has lost as a results of these actions in the amount of \$1,181.06 (3 months of forced leave)
- Seeks \$1,100.00 for income lost through his company MacLeod Forests Services as a result of being required to attend counselling sessions
- Seeks \$1, 544.45 which represents the 17 weeks since the purported termination until roughly today's date
- Seeks approximately \$3,900 representing income lost by Mr. MacLeod through MacLeod Forests Services as a result of time taken to prepare for and attend this hearing
- Seeks compensation for an amount to be determined for legal expenses incurred by Mr. MacLeod to deal with this matter.
- Seeks compensation for mental distress in the amount of \$20,000
- Seeks a written apology from the appropriate persons for the manner in which Mr. MacLeod has been treated
- Seeks a public statement explaining that the purported termination was in fact a mistake and welcoming him back to the fire department and the public statement is to be sent to all those that were advised of the earlier termination.
- Seeks a letter of recommendation
- Mr. MacLeod requests an invitation to the members of the fire department that have resigned since his purported termination to return to the fire department
- Mr. MacLeod will join with the Regional District and the Fire Department in a joint commitment to work cooperatively for the benefit of the fire department and those it serves.
- Suggested that it would be of assistance to the department as a whole to have a 3rd party consultant retained to help them to work through the communication and management issues that these events have demonstrated.

The Hearing was closed at 2:49 pm
 Recessed at 2:49 pm
 Reconvened at 3:00 pm

CB01/11CS

It was MOVED and SECONDED

THAT the Board Postpone consideration of this matter to the August 4, 2011 Closed Meeting and request that the RDOS Solicitor be directed to attempt to achieve a negotiated settlement.

CARRIED

CB02/11

It was **MOVED** and **SECONDED**
THAT the meeting be opened to the public.

CARRIED

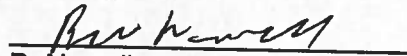
The meeting was opened to the public at 3:31 pm.

APPROVED:

CERTIFIED CORRECT:



D. Ashton
RDOS Board Chair


B. Newell
Chief Administrative Officer

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