

AGENDA

HARBOUR AUTHORITY MEETING

Wednesday, December 2, 2015

7:30 p.m.

**George Fraser Room, Ucluelet Community Centre
500 Matterson Drive,
Ucluelet, B.C.**

Council Members:

Mayor Dianne St. Jacques
Councillor Sally Mole
Councillor Randy Oliwa
Councillor Marilyn McEwen
Councillor Mayco Noel



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HARBOUR AUTHORITY MEETING

7:30 p.m.

Wednesday, December 2, 2015

**George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet**

AGENDA

- 1. CALL TO ORDER**
- 2. ADOPTION OF MINUTES**
 - 2.1. March 3, 2015 Committee of the Whole and Harbour Authority Minutes** p.5
 - 2.2. June 2, 2015 Harbour Authority Minutes** p.9
 - 2.3. September 15, 2015 Harbour Authority Minutes** p.13
- 3. PUBLIC INPUT AND PRESENTATIONS**
- 4. REPORTS FROM COUNCIL OR STAFF**
 - 4.1. Harbour Advisory Commission - November 25, 2015 Informal Meeting Minutes** p.17
 - 4.2. Harbour Advisory Commission Terms of Reference** p.19
 - 4.3. Ucluelet Harbour Advisory Commission Bylaw No. 847, 2001** p.21
 - 4.4. Updated District of Ucluelet Harbour Advisory Bylaw - Proposed** p.25
- 5. NEW BUSINESS**
- 6. ADJOURNMENT**

- Clr. Oliwa noted that this recommendation arose from the discovery of an old harbour pamphlet; HAC would like a new pamphlet that outlines services provided, harbour rules, and map of the Ucluelet area that Harbour Manager could provide to customers

It was moved by Councillor Oliwa and seconded by Councillor Mole

THAT it be recommended to refer the creation of a new harbour pamphlet to staff, AND THAT the creation of a new harbour pamphlet be moved to budget.

CARRIED

- b. Moved by Councillor Kimoto and seconded by Councillor Gudbranson to recommend to the Harbour Authority the park house at the top of 52 steps be considered for purchase by the District of Ucluelet with the view to use the property as a parking lot and improve access to the 52 step facility.
 - Mayor St. Jacques noted that Council will be meeting soon with Jim Morgan of Pacific Rim National Park to view a list of the Parks Canada properties that will be for sale and discuss any District interests
 - Clr. Mole and Clr. Oliwa noted that there may be existing issues that would prevent the referred-to property from being converted to parking

It was moved by Councillor McEwen and seconded by Councillor Oliwa

THAT it be recommended to refer the issue of converting the Parks Canada property on Otter Street into a parking lot to planning staff for more information and report back to Council;

AND THAT the purchase and conversion of the Parks Canada property on Otter Street be referred to the budget process.

CARRIED

- c. Moved by Commissioner Kimoto and seconded by Commissioner Gudbranson to recommend to the Harbour Authority funding is made available to upgrade the electrical facilities at 52 steps.
 - Clr. Oliwa and Mayor St. Jacques noted that Council will be meeting with Small Craft Harbours/DFO on March 4, and will raise the issue of electrical upgrades at that time

It was moved THAT it be recommended to table discussion of electrical issues at 52 Steps until after the meeting with Small Craft Harbours/DFO on March 4, 2015.

CARRIED

- d. Moved by Chair Parlee and seconded by Commissioner Kimoto to recommend to the Harbour Authority that areas of funding be explored for the Auxiliary Coast Guard.
 - Rich Parlee, HAC Chair, explained there is no ability or desire for current volunteer group to be sole funding source; will be looking into fundraising opportunities, but also wanted to stimulate various levels of government to see if they can help
 - Sgt. Swann noted that he also brought this issue to RCMP who will donate \$1000 for upgrades to the building itself

It was moved by Councillor Oliwa and seconded by Councillor McEwen
THAT it be recommended to explore areas of funding for the Auxiliary Coast Guard.

CARRIED

It was moved by Councillor Oliwa and seconded by Councillor Mole
THAT it be recommended to direct staff to contact the Auxiliary Manager to obtain background information on the issue of the Auxiliary Coast Guard to bring back to Council.

CARRIED

5. LATE ITEMS:

None

7. NEW BUSINESS:

None

8. PUBLIC QUESTION PERIOD:

None

9. CLOSED SESSION:

10. ADJOURNMENT:

Mayor St. Jacques adjourned the committee of the whole meeting at 8:17 pm.

CERTIFIED CORRECT: Minutes of the Committee of the Whole and Harbour Authority Meeting held on Tuesday, March 3, 2015 at 7:30 pm in Activity Room One, 500 Matterson Road, Ucluelet, BC.

Dianne St. Jacques
Mayor

Andrew Yeates
Chief Administrative Officer

DISTRICT OF UCLUELET
 MINUTES OF THE HARBOUR AUTHORITY MEETING
 HELD IN ACTIVITY ROOM ONE, 500 MATTERSON DRIVE
JUNE 2, 2015 AT 7:30 PM

Present: **Chair:** Mayor St. Jacques
 Council: Councillors Oliwa, McEwen, Mole, and Noel
 Staff: Andrew Yeates, Chief Administrative Officer;
 Jeanette O'Connor, Chief Financial Officer;
 Morgan Dodsall, Recording Secretary

1. CALL TO ORDER:

Mayor St. Jacques called the meeting to order at 7:30 pm

2. ADOPTION OF MINUTES:

None

3. PUBLIC INPUT AND PRESENTATIONS:

- Rich Parlee (1211 Eber Rd) spoke in support of allowing the boat 'Best Daze' to retain live-aboard status and noted his observance of effluent in the inlet in the vicinity of the fish plant
 - Mayor St. Jacques requested that any observances of effluent in the inlet be reported to the District
- George Taylor (153 Hemlock St) spoke in opposition of allowing the boat 'Best Daze' to retain live-aboard status

4. REPORTS FROM COUNCIL OR STAFF:

4.1 Harbour Advisory Commission – Minutes & Recommendations

- March 4, 2015 Minutes
- May 5, 2015 Minutes (draft)

HA-001 It was moved by Councillor Oliwa and seconded by Councillor Mole
 THAT the March 4, 2015 Harbour Advisory Commission minutes be received for information.

CARRIED

HA-002 It was moved by Councillor Oliwa and seconded by Councillor Mole
 THAT the Harbour Authority appoint Rich Parlee, Laurie Charnell, Randy Oliwa, Jeanette O'Connor, and Andrew Yeates to the Harbour Advisory Commission working group.

CARRIED

- ❖ CAO Yeates updated Council on the CBC radio antennae, noting that if CBC does not proceed with moving the antennae that staff will address the visibility concerns

HA-003 It was moved by Councillor Oliwa and seconded by Councillor Mole
THAT the Harbour Authority direct District staff to address the issue of water flowing down Hemlock Street and into the parking lot instead of into the catch basin.

CARRIED

HA-004 It was moved by Councillor Oliwa and seconded by Councillor McEwen
THAT the Harbour Authority direct District staff to produce and bring forward a feasibility study on the creation of additional vehicle parking space for Small Craft Harbour by filling in the ditch on Hemlock Road;
AND THAT District staff provide the Harbour Authority with any preliminary plans or documentation that has already been created on this expansion.

CARRIED

HA-005 It was moved by Councillor Oliwa and seconded by Councillor Mole
THAT the May 5, 2015 draft Harbour Advisory Commission minutes be received for information.

CARRIED

- ❖ Clr. Oliwa requested that all draft Harbour Authority minutes be forwarded to the Harbour Advisory Commission (HAC) within a week of the Harbour Authority meeting to ensure the timely delivery of decisions made on HAC recommendations

HA-006 It was moved by Councillor Oliwa and seconded by Councillor Mole
THAT the Harbour Authority submit a request to Fisheries and Oceans Canada to install a 7 knot speed limit sign in Small Craft Harbour on the piling outside of Island West.

CARRIED

HA-007 It was moved by Councillor Oliwa and seconded by Councillor McEwen
THAT the Harbour Authority direct the Harbour Manager to bring forward a report on the HAC recommendation to install signage at the Small Craft Harbour fish cleaning station for “30 Minute Unloading Maximum” and “No Permanent Moorage”.

CARRIED

- ❖ CAO Yeates provided information on the District’s updated spill response plan:
 - In the event of a spill in the Harbour Manager’s area of responsibility (i.e. harbour facilities including the public boat launch, inner basin, outer basin, Whiskey dock, and 52 Steps), the Harbour Manager will respond and that may include calling in a third party responder depending on the size of the spill
 - In the event of a spill within the District of Ucluelet that may or may not enter the water, the District will respond and that may include calling in a third party responder depending on the size of the spill

- In the event of a spill in the water that is beyond the scope of what the District can clean up, the District will call the Canadian Coast Guard to respond
- In all events, the District will attempt clean up as a first response

HA-008 It was moved by Councillor Oliwa and seconded by Councillor McEwen
THAT the Harbour Authority direct District staff to bring forward a report on how the residents of Ucluelet can access the emergency equipment located at Amphitrite Point Station.

CARRIED

HA-009 It was moved by Councillor Oliwa and seconded by Councillor McEwen
THAT the Harbour Authority and Harbour Advisory Commission be provided with a copy of the District's updated spill response plan.

CARRIED

4.2 Harbour Advisory Commission - Update on Recommendations
 Jeanette O'Connor, CFO

5. NEW BUSINESS:

None

6. ADJOURNMENT:

Mayor St. Jacques adjourned the harbour authority meeting at 8:22 pm.

CERTIFIED CORRECT: Minutes of the Harbour Authority Meeting held on Tuesday, June 2, 2015 at 7:30 pm in Activity Room One, 500 Matterson Road, Ucluelet, BC.

Dianne St. Jacques
 Mayor

Andrew Yeates
 CAO

DISTRICT OF UCLUELET
 MINUTES OF THE HARBOUR AUTHORITY MEETING
 HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
SEPTEMBER 15, 2015 AT 7:30 PM

Present: **Chair:** Mayor St. Jacques
 Council: Councillors Oliwa, McEwen, and Noel
 Staff: Andrew Yeates, Chief Administrative Officer;
 Jeanette O'Connor, Chief Financial Officer;
 Morgan Dodsall, Recording Secretary

Regrets: Councillor Mole

1. CALL TO ORDER:

Mayor St. Jacques called the meeting to order at 7:30 pm

2. ADOPTION OF MINUTES:

None

3. PUBLIC INPUT AND PRESENTATIONS:

- Alex Cugini (1353 Helen Rd) inquired if the District received any money for amenities from the Island West resort development that was proposed
 - CAO responded that the application got as far as the development permit stage, which was not pursued further by the applicant, and that the property is now owned by a different party

4. REPORTS FROM COUNCIL OR STAFF:

4.1 Harbour Advisory Commission - Minutes & Recommendations

- June 10, 2015 Minutes
- September 2, 2015 Minutes (draft)
- ❖ The Harbour Authority requested that staff forward a copy of the charter sportsfishing board's presentation to the Harbour Advisory Commission
- ❖ The Harbour Authority requested that staff re-circulate a copy of the harbour pamphlet for their review and comment

HA-010 It was moved by Councillor McEwen and seconded by Councillor Oliwa
 THAT District staff be directed to investigate whether a separate agreement exists as pertains to the Small Craft Harbour garbage bin for collection.

CARRIED

HA-011 It was moved by Councillor McEwen and seconded by Councillor Noel
 THAT District staff be directed to produce a GL account list for the line item denoted as "Other" (in the summary of Wharf Revenues and Expenses) and include it on the next Harbour Advisory Commission agenda for discussion.

CARRIED

- ❖ The Harbour Authority requested that staff bring forward the GL account description as soon as possible

HA-012 It was moved by Councillor Noel and seconded by Councillor McEwen
THAT District staff be directed to make a summary of the harbour revenues and expenses for 2014 available to the Harbour Advisory Commission.
CARRIED

HA-013 It was moved by Councillor Oliwa and seconded by Councillor McEwen
THAT the Harbour Authority receive a copy of "R-2 Harbour Manager's Report".
CARRIED

- ❖ The Harbour Authority requested that staff include a map of property lines of the "upper lot on Peninsula Road beside the Canadian Princess" area, indicating ownerships and right-of-ways, on the next Harbour Advisory Commission agenda

HA-014 It was moved by Councillor McEwen and seconded by Councillor Oliwa
THAT the Harbour Authority submit the request for an additional fish cleaning station to the District of Ucluelet financial planning process.
CARRIED

HA-015 It was moved by Councillor McEwen and seconded by Councillor Oliwa
THAT District staff be directed to investigate and report back on the recommendation of patching required in the harbour parking lot "between the stop-sign and the dumpster".
CARRIED

HA-016 It was moved by Councillor Oliwa and seconded by Councillor McEwen
THAT District staff be directed to obtain a quote for the reinvigoration of the Small Craft Harbour sign.
CARRIED

HA-017 It was moved by Councillor McEwen and seconded by Councillor Noel
THAT the Harbour Authority meet with the Harbour Advisory Commission (HAC) at their next regular meeting on November 4, 2015 to discuss the HAC Terms of Reference and Harbour Advisory Commission bylaw for mutual clarification and understanding.
CARRIED

5. NEW BUSINESS:

Small Craft Harbour Meeting

- Met with Small Craft Harbour/DFO on the modernization project for the harbour; DFO is moving forward with breakwater plans at Japanese docks; each piece is 25ft wide by 47m long, and will be decked; DFO will spend just under \$1M on this phase

- Plans to begin application process to expand water lease in harbour area; this is a years-long process; DFO would support this, but would like to see 52 Steps decommissioned and its infrastructure repurposed at the inner basin
- Phase 2 would include installation of 3-phase power
- Will begin public input on project in 2016; installation to begin between February and September, 2016
- Harbour Authority recognized the contributions and work of the Harbour Advisory Commission in making this project possible

6. ADJOURNMENT:

HA-018 It was moved by Councillor McEwen and seconded by Councillor Oliwa
THAT the meeting be closed to the public in order to address agenda items under Section 90(1), subsections (g) and (i) of the Community Charter.

CARRIED

Mayor St. Jacques suspended the harbour authority meeting at 8:44 pm and moved in-camera at 8:45 pm.

Mayor St. Jacques adjourned the in-camera meeting at 10:02 pm and resumed the open meeting at 10:03 pm.

Mayor St. Jacques adjourned the harbour authority meeting at 10:04 pm.

CERTIFIED CORRECT: Minutes of the Harbour Authority Meeting held on Tuesday, September 15, 2015 at 7:30 pm in Activity Room One, 500 Matterson Road, Ucluelet, BC.

Dianne St. Jacques
 Mayor

Andrew Yeates
 CAO

Subject: HAC Meeting Nov. 25

From: Rich Parlee [REDACTED]

Sent: November-27-15 9:33 AM

To: Barb Millar [REDACTED]; Brian Congdon [REDACTED]; Brock Johansen [REDACTED]; Charnell Lawrence [REDACTED]; Gudbranson Roger [REDACTED]; Natural Elements Vacation Rentals [REDACTED]; Randy Oliwa [REDACTED]; Rob Yhoms [REDACTED]; Andrew Yeates [REDACTED]

Subject: HAC Meeting Nov. 25

Minutes of the Informal meeting of the HAC Nov. 25 2015

Objective of the meeting: To arrive at an HAC consensus to present to the Dec. 2 meeting with the District Council in order to recommend our wishes regarding the Outer Basin project.

In attendance were the following: Roger, Doug, Brian, Lawrence, Rob, Brock, Rich. Rich chaired the meeting. Each issue was discussed thoroughly until a majority consensus was achieved. The meeting was held at the home of Rich Parlee

1. The latest drawings (Catamaran, Phase 1, funded by SCH, Plan 16719 Rem 1) from Katie Rattan Program Officer, and Andrew Cornell, Project Engineer, were viewed. Much discussion ensued, mostly concerned with the long narrow channel created by the two catamarans. A majority decided, from the drawings and personal observations, that, given the eastward angling of the outer catamaran, the new catamarans would not further restrict the passage of boats. Accordingly, the HAC recommends to the Harbor Authority that the project be pursued immediately, specifically, giving the go ahead before the Dec. 15 deadline stated by Katie.
2. The HAC is in favor of the moving of the Otter Street dock only as the new spaces become available at the Outer Basin. They hope that the new facility, even in the initial stage, might include the installation of some 50 Amp breakers in order to attract the large boats to these spaces.
3. The HAC requests that Harbormaster Kevin attend each of the HAC meetings so as to report dock conditions so as to keep the Committee current. It is understood that he would not be a voting member but a valued resource and adviser. It was also agreed that he should be considered and empowered as the Bylaw Officer at the facilities.
4. The Committee assumes that, at the Dec. 2 meeting, the consensus of 1 and 2. above will be presented by Chair Parlee. The members at large are also expecting to have an active place in the meeting.
5. One of our concerns remains the safety ladders, still not installed.

Harbour Advisory Commission Terms of Reference

(Revised July 2015)

INTRODUCTION

The Ucluelet Harbour Advisory Commission Bylaw No. 847, 2001 provides for the establishment, membership, powers and duties, meetings, and other terms and conditions for the Harbour Advisory Commission.

The District of Ucluelet Council Procedure Bylaw No. 1166, 2014, Part 7, Section 30, provides for the general procedures and meeting governance of Municipal Commissions.

1.0 Definitions

- 1.1 “Commission” means the Harbour Advisory Commission
- 1.2 “Council” or “Harbour Authority” means the District of Ucluelet Council
- 1.3 “District” means the District of Ucluelet

2.0 Establishment

- 2.1 Council of the District of Ucluelet has by resolution established a select Harbour Advisory Commission.

3.0 Members

- 3.1 The Commission shall comprise not less than five (5) members appointed by Council, one (1) member of whom shall be a member of Council.
- 3.2 Council shall appoint members of the Commission annually.
- 3.3 Any vacancy occurring in the membership of the Commission shall be filled by Council appointment.
- 3.4 Any member of the Commission who is absent from the meetings of the Commission for three consecutive meetings, without leave of the Commission, or without reason satisfactory to the Commission, shall automatically forthwith cease to be a member of the Commission.
- 3.5 Except where Council directly appoints a Chair for the Commission, Commission members shall elect a Chair from among their membership at the first meeting following appointment by Council.
- 3.6 No member of the Commission shall receive any remuneration for his or her services.

4.0 Staff

- 4.1 The District will appoint a member of staff to take minutes of and set the agenda for Commission meetings.

5.0 Powers and Duties

- 5.1 To provide the Harbour Authority with suggestions and recommendations, in an advisory capacity, on:
 - 5.1.1 improvements to harbour facilities under the Harbour Authority’s jurisdiction;

- 5.1.2 policies and procedures regarding the operation of marine facilities under the Harbour Authority's jurisdiction;
 - 5.1.3 opportunities, plans, policies, or programs regarding commercial, recreational, leisure, or other uses of marine facilities under the Harbour Authority's jurisdiction; and
 - 5.1.4 any other matter(s) referred to the Commission by Council.
- 5.2 Limitations: neither the Commission as a body nor its individual members have the authority or mandate to:
- 5.2.1 enforce any regulations or policies set forth by the Harbour Authority;
 - 5.2.2 direct or interfere in the operations or administration of the Small Craft Harbour Facilities or other facilities operated and administered under the Harbour Authority;
 - 5.2.3 expend monies or make agreements on behalf of the Harbour Authority or the District; or
 - 5.2.4 direct or interfere in personnel matters.

6.0 Meetings

- 6.1 The Commission shall meet six (6) times per year, at intervals of at least one month apart.
- 6.2 The Commission shall follow the District's Procedure Bylaw with regard to Notice of Committee Meetings, Open Meeting Rule, Minutes, and Committee Procedures.
- 6.3 Discussion on all matters of the Commission shall be open to all members of the Commission.
- 6.4 A quorum shall consist of three (3) members of the Commission.
- 6.5 The Chair shall preserve order and decide all points of order that may arise, subject to an appeal to the other members present. All such appeals will be decided without debate.
- 6.6 All questions before the Commission shall be decided by a majority vote of the members present.
- 6.7 No act or other proceeding of the Commission shall be valid unless it is authorized by resolution at a regular or special meeting of the Commission and approved by Council.

7.0 Termination

- 7.1 The Commission may be terminated by resolution of Council.

8.0 References

- 8.1 *Community Charter*
 - Section 142 - Select committees of council
 - Section 144 - Authority to rescind appointment
 - Section 145 - Application of procedure rules to other bodies
- 8.2 District of Ucluelet Procedure Bylaw No. 1166, 2014
- 8.3 Ucluelet Harbour Advisory Commission Bylaw No. 847, 2001

DISTRICT OF UCLUELET

BYLAW NO. 847, 2001

A bylaw to establish a Harbour Advisory Commission

WHEREAS Section 176 of the *Local Government Act* empowers Council to establish commissions to operate services of the local government, undertake operation and enforcement in relation to the local government's exercise of its regulatory authority, and manage property or an interest in property held by the local government, and may establish any terms and conditions it considers appropriate, and

WHEREAS Village of Ucluelet Harbour Authority Bylaw No. 619, 1993 establishes the municipal Council as the Harbour Authority administering the wharf and floats in the Small Craft Harbour Facilities; and

WHEREAS the District of Ucluelet does or may operate other docks, wharves, floats or other marine facilities where such operations are permitted and established pursuant to the provisions of the *Local Government Act*;

THEREFORE the Council of the District of Ucluelet in open meeting assembled enacts as follows:

Title

1. This bylaw may be cited as "Ucluelet Harbour Advisory Commission Bylaw No. 847, 2001".

Definitions

2. In this bylaw:

"Commission" herein means the Ucluelet Harbour Advisory Commission.

"Council" or "Harbour Authority" means the Council of the District of Ucluelet.

"District" means the District of Ucluelet.

"Marine Facilities" means small craft harbours and any other wharves, docks, marinas or marine facilities owned, operated, or administered by the District of Ucluelet.

"Harbour Manager" means the person, persons or company appointed or retained by the District of Ucluelet to manage marine facilities.

Establishment

3. There is hereby established a commission that shall be known as the "Ucluelet Harbour Advisory Commission."

Members

4. The Ucluelet Harbour Advisory Commission shall number not less than five (5) nor no more than seven (7) members appointed by Council:
 - (i) All members shall hold office for a two (2) year term; retiring members shall be eligible for reappointment to successive terms without limitations.
 - (ii) Notwithstanding (i) above, to effect a staggered membership necessary for continuity in the initial period, Council shall appoint the minimum number needed to reach quorum to two (2) year terms, with the remainder appointed to one (1) year terms.
 - (iii) Council shall review Commission membership annually and make such appointments as are necessary for the continuation of the Commission; Council may appoint members representative of commercial, recreational, or other uses of the marine facilities.
 - (iv) The Chair and Vice Chair shall be elected on an annual basis by Commission members.
 - (v) Any vacancy occurring in the membership of the Commission shall be filled forthwith by Council for the unexpired term thereof, and such members so appointed shall be eligible upon conclusion of the term for reappointment without limitations; the Commission may make recommendations to Council concerning appointments to fill vacancies.
 - (vi) Eligibility for reappointment does not obligate Council to reappoint any member to the Commission.
 - (vii) Any member who is absent from meetings of the Commission for three consecutive meetings, without leave of absence from the Commission, or without reason satisfactory to the Commission, shall forthwith cease to be a member of the Commission.
 - (viii) No member of the Commission shall receive any remuneration for their services.

Powers and Duties

5. Council hereby delegates to the Commission the following administrative authority:
 - (i) To consider, formulate and recommend policies and procedures to Council regarding the operation of marine facilities.
 - (ii) To consider, formulate and recommend opportunities, plans, policies, or programs to Council regarding commercial, recreational, leisure, or other uses of marine facilities.
 - (iii) To consider, formulate and recommend to Council any operating policy or procedure deemed appropriate by the Commission.

- (iv) To consider, formulate and recommend to Council on any matter(s) referred to the Commission by Council.
- (v) To establish any standing or select committee, as the Commission deems necessary from time to time to assist the Commission in the performance of its responsibilities. the Commission, where it considers it appropriate, may appoint persons from the community at large who are not members of the Commission to a standing or select committee, (e.g., Long Term Planning Committee).
- (vi) The Commission may make recommendations pertaining to financial (budget) matters but neither it nor its members have any authority to impose or amend fees or charges, effect collections, or procure goods or services with respect to the operation or administration of marine facilities.
- (vii) The Commission has no authority with regard to personnel matters, neither may the Commission nor its members direct the activities or otherwise instruct the Harbour Manager with regard to the operation or administration of the Harbour Commission.

Meetings

6. The following provisions apply to meetings of the Ucluelet Harbour Advisory Commission:
- (i) The Commission shall hold meetings at least four (4) times each year and shall keep minutes of all meetings; a copy of the minutes of each meeting shall be delivered to Council.
 - (ii) Discussion on all matters of business and all affairs of the Commission shall be open to all members of the Commission.
 - (iii) A quorum shall consist of a majority of voting members of the Commission as follows:
 - When five (5) members – three (3) shall constitute quorum
 - When six (6) members – four (4) shall constitute quorum
 - When seven (7) members – four (4) shall constitute quorum
 - (iv) The Harbour Manager shall serve as the Secretary ex-officio to the Commission.
 - (v) The Commission may adopt such rules for its procedure not inconsistent with the provisions of the *Local Government Act* or this Bylaw as it may deem expedient and may alter, amend or vary the same as it may wish provided that copies of such variations and amendments shall forthwith be forwarded to the Council for their approval.
 - (vi) The Chair shall preserve order and decide all points of order that may arise, subject to an appeal to the other members present. All such appeals will be decided without debate.

- (vii) All questions before the Commission shall be decided by a majority vote of the members present.
- (viii) No act or other proceeding of the Commission shall be valid unless it is authorized by resolution at a regular or special meeting of the Commission and approved by Council.

Other Terms and Conditions

- 7. No expenditure shall be made which is not provided for in the Five-Year Financial Plan adopted by Council; accounts for authorized expenditures of the Commission shall be paid by the District in the same manner as all other accounts.
- 8. All items of revenue and expenditure relating to the activities of the Commission, including any donation made for the use and benefit of the Commission, shall be accounted for in the books of account of the District in accordance with the provisions of the *Local Government Act*.

READ A FIRST TIME this 26th day of **June, 2001**.

READ A SECOND TIME this 26th day of **June, 2001**.

READ A THIRD TIME this 26th day of **June, 2001**.

RECONSIDERED AND ADOPTED this 3rd day of **July, 2001**.

CERTIFIED A TRUE AND CORRECT COPY of the "Ucluelet Harbour Advisory Commission Bylaw No. 847, 2001".

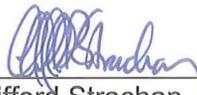


Clifford Strachan
Chief Administrative Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
in the presence of:



Dianne St. Jacques
Mayor



Clifford Strachan
Chief Administrative Officer

DISTRICT OF UCLUELET

BYLAW NO. XXX, 20XX

A bylaw to establish a Harbour Advisory Commission

WHEREAS Section 143 of the *Community Charter* empowers Council to establish and appoint a commission to do one or more of: operate services; undertake operation and enforcement in relation to the council's exercise of its authority to regulate, prohibit and impose requirements; and/or manage property and licences held by the municipality; and

WHEREAS District of Ucluelet Harbour Authority Bylaw No. 619, 1993 establishes the municipal Council as the Harbour Authority administering the wharf and floats in the Small Craft Harbour Facilities; and

WHEREAS the District of Ucluelet does or may operate other docks, wharves, floats or other marine facilities where such operations are permitted and established pursuant to the provisions of the *Community Charter*;

THEREFORE the Council of the District of Ucluelet in open meeting assembled enacts as follows:

Title

1. This bylaw may be cited as "District of Ucluelet Harbour Advisory Commission Bylaw No. XXX, 20XX".

Repeal

2. Ucluelet Harbour Advisory Commission Bylaw No. 847, 2001 and all associated amendments are hereby repealed.

Definitions

3. In this bylaw:
 - **“Commission”** herein means the Ucluelet Harbour Advisory Commission.
 - **“Council”** or **“Harbour Authority”** means the Council of the District of Ucluelet.
 - **“District”** means the District of Ucluelet.
 - **“Marine Facilities”** means small craft harbours and any other wharves, docks, marinas or marine facilities owned, operated, or administered by the District of Ucluelet.
 - **“Harbour Contractor”** means the person, persons or company appointed or retained by the District of Ucluelet to manage marine facilities.

Establishment

4. There is hereby established a commission that shall be known as the “Ucluelet Harbour

Advisory Commission.”

Members

5. The Ucluelet Harbour Advisory Commission shall number five (5) members appointed by Council:
 - (i) All members shall hold office for a two (2) year term; retiring members shall be eligible for reappointment of two (2) successive terms.
 - (ii) Notwithstanding (i) above, to effect a staggered membership necessary for continuity in the initial period, Council shall appoint the minimum number needed to reach quorum to two (2) year terms, with the remainder appointed to one (1) year terms.
 - (iii) Council shall review Commission membership annually and make such appointments as are necessary for the continuation of the Commission; Council may appoint members representative of commercial, recreational, or other uses of the marine facilities.
 - (iv) The Chair and Vice Chair shall be elected on an annual basis by Commission members.
 - (v) Any vacancy occurring in the membership of the Commission shall be filled forthwith by Council for the unexpired term thereof, and such members so appointed shall be eligible upon conclusion of the term for reappointment as per (i).
 - (vi) Eligibility for reappointment does not obligate Council to reappoint any member to the Commission.
 - (vii) Any member who is absent from meetings of the Commission for three consecutive meetings, without leave of absence from the Commission, or without reason satisfactory to Council, shall forthwith cease to be a member of the Commission.
 - (viii) No member of the Commission shall receive any remuneration for their services.

Powers and Duties

6. Council hereby delegates to the Commission the following administrative authority:
 - (i) To consider, formulate and recommend policies to Council regarding the operation of marine facilities.
 - (ii) To consider, formulate and recommend opportunities, plans, policies, or programs to Council regarding commercial, recreational, leisure, or other uses of marine facilities.
 - (iii) To consider, formulate and recommend to Council any operating policy deemed appropriate by the Commission.
 - (iv) To consider, formulate and recommend to Council on any matter(s) referred to the Commission by Council.

- (v) To establish any standing or select committee, as the Commission deems necessary from time to time to assist the Commission in the performance of its responsibilities. The Commission, where it considers it appropriate, may appoint persons from the community at large who are not members of the Commission to a standing or select committee, (e.g., Long Term Planning Committee).
- (vi) The Commission may make recommendations pertaining to financial (budget) matters but neither it nor its members have any authority to impose or amend fees or charges, effect collections, or procure goods or services with respect to the operation or administration of marine facilities.
- (vii) The Commission has no authority with regard to personnel matters, neither may the Commission nor its members direct the activities or otherwise instruct the Harbour Contractor with regard to the operation or administration of the Harbour facilities.

Meetings

7. The following provisions apply to meetings of the Ucluelet Harbour Advisory Commission:
- (i) The Commission shall hold meetings at least four (4) times each year on such dates as set or agreed to by Council to coincide with Harbour Authority meetings. The Commission shall keep minutes of all meetings; a copy of the minutes of each meeting shall be delivered to Council.
 - (ii) Discussion on all matters of business and all affairs of the Commission shall be open to all members of the Commission.

A quorum shall consist of a majority of voting members of the Commission; when five (5) members are present, three (3) shall constitute quorum.
 - (iii) The Commission will follow the District of Ucluelet Council Procedures Bylaw No.1166, 2014.
 - (iv) The Chair shall preserve order and decide all points of order that may arise, subject to an appeal to the other members present. All such appeals will be decided without debate.
 - (v) All questions before the Commission shall be decided by a majority vote of the members present.
 - (vi) No act or other proceeding of the Commission shall be valid unless it is authorized by resolution at a regular or special meeting of the Commission and approved by Council.

READ A FIRST TIME this **XX** day of **XX**, **20XX**.

READ A SECOND TIME this **XX** day of **XX**, **20XX**.

READ A THIRD TIME this **XX** day of **XX**, **20XX**.

ADOPTED this **XX** day of **XX**, **20XX**.

CERTIFIED A TRUE AND CORRECT COPY of the "District of Ucluelet Harbour Advisory Commission Bylaw No. XX, 20XX".

Andrew Yeates
Chief Administrative Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
in the presence of:

Dianne St. Jacques
Mayor

Andrew Yeates
Chief Administrative Officer