



General Purposes Committee

Date: Monday, October 7, 2013

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Linda Barnes
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Ken Johnston
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded
That the minutes of the meeting of the General Purposes Committee held on Monday, September 16, 2013, be adopted as circulated.

CARRIED

LAW & COMMUNITY SAFETY DEPARTMENT

1. **ENHANCED SOIL MANAGEMENT IN THE AGRICULTURAL LAND RESERVE**

(File Ref. No. 12-8060-01) (REDMS No. 3930621 v.18)

Edward Warzel, Manager, Community Bylaws, provided background information and clarified that staff are not recommending that the City assume some Agricultural Land Commission (ALC) duties, but instead that the staff report be forwarded to the City's Agricultural Advisory Committee (AAC) for an opportunity to consider and comment. He noted that staff anticipate reporting back to Committee after the AAC has had such an opportunity.

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Phyllis Carlyle, General Manager, Law and Community Safety, advised that the ALC is amenable to entering into discussions to potentially authorize the City to exercise the ALC's powers with regard to applications relating to non-farm use of Agricultural Land Reserve (ALR) land. However, such an agreement would be entered into with no financial contribution from the ALC, and the City would be bound by ALC policies. Also, it was noted that the ALC cannot delegate its decision making powers with regard to whether an application for a property within the ALR is a farm use or non-farm use.

In reply to queries from Committee, Ms. Carlyle commented on potential next steps and advised that the ALC would remain the ultimate decision-maker even with delegated authority to the City for non-farm use matter.

Discussion ensued regarding the potential need to hire additional staff to administer ALC duties and it was suggested that efficiencies within the Community Bylaws division be considered. Ms. Carlyle stated that a phased approach is suggested in regard to the hiring of additional staff.

Discussion then ensued regarding a provincial core review of the Agricultural Land Commission and Reserve, and the Chair requested that such comments be reserved as the matter is subject to a subsequent staff report.

Discussion further took place regarding proposed permit requirements in accordance with proposed Bylaw 9002 and staff was requested to provide information regarding insurance costs.

In reply to queries from Committee, Mr. Warzel commented on other municipalities' Soil Watch Programs, noting that they are similar to the one being proposed with the exception of minor variations. Mr. Warzel was requested to provide information regarding how neighbouring municipalities' Soil Watch Programs are functioning, and whether the program is making a difference in the level of compliance.

Discussion took place regarding the origin of the staff referrals and it was noted that entering into a delegation agreement with the ALC would not satisfy the City's concerns with regard to farm use applications as the ALC cannot delegate this authority.

In response to a question from Committee, Mr. Warzel advised that bylaw fines are limited to a maximum of \$500; however, fines can be levied for every day the offence continues to take place.

Discussion ensued and Committee cited concern with regard to (i) the need for a Soil Watch Program and in particular as it relates to the need to hire additional staff, and (ii) the City's roles and responsibilities should it opt to enter into a delegation agreement with the ALC.

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Discussion ensued regarding soil removal and deposit activities associated with farm and non-farm uses in the ALR.

May Leung, Staff Solicitor, stated that the ALC reviews proposals and what material is anticipated to be deposited in order to determine whether the deposit activity is for farm use or non-farm use.

In reply to queries from the Chair, Ms. Leung advised that the proposed bylaw amendments would allow the City to impose fees, depending on the volume of soil deposited or removed, regardless of whether it is for farm or non-farm use purposes. Also, she stated that staff would be able to monitor such activities based on the conditions of the permit.

Ms. Leung advised that if the material being filled falls within farm use, there is no recourse for the City or the ALC because the activity is not illegal.

Mr. Warzel spoke of the proposed bylaws, noting that a permit process would serve as a mechanism for the City to be made aware of all soil and deposit activities throughout Richmond.

Discussion ensued and it was noted that the City and the Province have diverging views on what type of fill should be permitted on ALR land.

In reply to queries from Committee, Ms. Leung advised that farm use is an entitled use under the *Agricultural Land Commission Act*. Also, she advised that under the City's current bylaws, the only permit required is for non-farm use applications. Moreover, Ms. Leung stated that under the *Community Charter*, any municipal bylaw addressing the quality of soil must be approved by the Minister of Environment; however, it is staff's understanding that the Ministry of Environment is not open to municipal bylaws regulating the quality of soil.

Discussion further took place regarding the City's enforcement options under its current bylaws and Magda Laljee, Supervisor, Community Bylaws, advised that court action is the City's only recourse.

Tom Land, Vice President and General Manager, Ecowaste Industries Ltd., was of the opinion that the proposed bylaw amendments would significantly impact Ecowaste's operations. Mr. Land requested that the proposed bylaws recognize the difference between farming operations in the ALR and those of commercial operations like Ecowaste's. He commented on several operating certificates and licences issued by the Ministry of Environment and Metro Vancouver, noting that commercial operations on ALR land are already highly regulated. Mr. Land commented on the proposed fees as per the proposed bylaw amendments, and noted that such fees would result in Ecowaste passing on some of its costs to its customers, which in turn may result in less compliance.

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Mr. Land concluded by requesting that the proposed bylaw amendments be further amended to exempt any commercial operation with operating certificates from the Ministry of Environment and licences from Metro Vancouver.

In reply to queries from Committee, Mr. Land was of the opinion that there are no other commercial entities in Richmond with certificates from the Ministry of Environment and licences from Metro Vancouver. Also, he stated that the proposed additional fee of \$0.50 per cubic metre of soil deposited or removed would significantly negatively affect Ecowaste's operating costs.

As a result of the discussions, the following referral was made:

It was moved and seconded

That the staff report titled Enhanced Soil Management in the Agricultural Land Reserve (dated October 2, 2013 from the General Manager, Law & Community Safety) be referred back to staff for more examination of the possibilities, in particular:

- (1) for more discussion with the ALC on the possibilities of what each of the parties can do;*
- (2) a general discussion on the role of the ALC;*
- (3) an examination of previous soil bylaws in Richmond and what now exists in terms of the substance of the soil bylaw, the enforcement provisions, as well as limitations; and*
- (4) the interposition of commercial landfills in the ALR, which are regulated under the Province and Metro Vancouver.*

The question on the referral was not called as staff was directed to provide in the next report a simplified table which describes agricultural and non-agricultural uses and whether the City has authority over those matter or whether or not the ALC can delegate its authority to the City with regard to those matters under a delegation agreement.

The question on the referral was then called and it was **CARRIED**.

It was moved and seconded

That the order of the agenda be varied to consider Item No. 5 at this point in the meeting.

CARRIED

Cllr. Au left the meeting (5:14 p.m.) and returned (5:15 p.m.).

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PLANNING & DEVELOPMENT DEPARTMENT

5. **PROVINCIAL CORE REVIEW OF THE AGRICULTURAL LAND COMMISSION AND RESERVE**

(File Ref. No. 01-0150-20-BCAL1) (REDMS No. 4005756)

It was moved and seconded

(1) *That as the Provincial Government is conducting a Core Review of its programs and services including the Agricultural Land Commission (ALC) and Reserve (ALR), and as opportunities for Council and public consultation during the Review are unclear, Council write the Premier and Minister of Agriculture requesting that the Core Review:*

(a) *protect, enhance, adequately fund, and enforce the Agricultural Land Reserve, Agricultural Land Commission, and its policies; and*

(b) *enable consultation opportunities for City Council, the Richmond Agriculture Advisory Committee (AAC) and public; and*

(2) *That copies of the letter be sent to all Members of the Legislative Assembly (MLAs), the Metro Vancouver Board and local governments, the Port Metro Vancouver Board, and the Core Review Panel.*

CARRIED

FINANCE AND CORPORATE SERVICES DEPARTMENT

2. **FLAGS POLICY**

(File Ref. No. 01-0093-02) (REDMS No. 3862456 v.6)

In reply to a query from Committee, Denise Tambellini, Manager, Intergovernmental Relations and Protocol Unit, advised that the proposed policy applies only to flags displayed on city property.

Discussion ensued and the Chair requested that the proposed policy document be amended to reflect the following:

(i) under section 1.5 – the flag of the City of Richmond (Richmond only) take precedence over the Canadian Olympic flag;

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- (ii) under section 2.6 – decisions to fly flags at half-mast on municipal property, on occasions not provided for in this policy, will be made by the Mayor after consultation with members of City Council, the Chief Administrative Officer, the City Clerk, or otherwise as the Mayor shall deem appropriate; and
- (iii) under section 3.7 – the City of Richmond will not display flags or guest organizational banners other than those described above without the consent of City Council.

It was moved and seconded

- (1) *That Policy 1305 – “Flags” (Attachment 1) adopted by Council on June 23, 1986 be rescinded; and*
- (2) *That the proposed Flags Policy (Attachment 2), as amended by Committee, be adopted.*

CARRIED

3. **ALTERNATIVE APPROVAL PROCESS AND NOTIFICATION OPTIONS FOR CAMBIE FIELD - SALE OF PARK BYLAW 8927 (3651 SEXSMITH ROAD)**

(File Ref. No. 12-8060-20-8927) (REDMS No. 3733984 v.4)

Discussion ensued regarding advertising options for the proposed Alternative Approval Process and it was noted that in an effort to be responsive to all Richmond residents, a translated news release in the Ming Pao and Sing Tao newspapers would be included as part of the enhanced and expanded notice process.

It was moved and seconded

- (1) *That, only following third reading of Cambie Field – Sale of Park Bylaw 8927, an Alternative Approval Process be conducted under the following parameters:*
 - (a) *The deadline for receiving completed elector response forms is 5:00 pm (PST) on Friday, January 17, 2014;*
 - (b) *The elector response form is substantially in the form as found in Attachment 1 to the staff report dated October 4, 2013 from the Director, City Clerk’s Office;*
 - (c) *The number of eligible electors is determined to be 131,082 and the ten percent threshold for the AAP is determined to be 13,108; and*

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- (2) *That an enhanced public notification process be undertaken for the Cambie Field – Sale of Park Bylaw 8927 Alternative Approval Process which includes a summarized news release being sent to the media, including the Richmond News, the Richmond Review, the Ming Pao, and the Sing Tao newspapers, an official legal notice in the City section of the Richmond Review, and a mailed notice in addition to the prescribed statutory notification requirements.*

CARRIED

4. **WHITE PAPER ON LOCAL GOVERNMENT ELECTIONS REFORM AND CONSULTATION PROCESS FOR FURTHER REFORMS**

(File Ref. No. 12-8125-01) (REDMS No. 3983724 v.2)

In reply to queries from Committee, David Weber, Director, City Clerk's Office, advised that (i) under the proposed legislation campaign finance disclosure statements are to be filed with Elections BC and will be made available to the public on-line and (ii) the proposed legislation does not address the date of the election changing to October.

It was moved and seconded

That the staff report titled White Paper on Local Government Elections Reform and Consultation Process for Further Reforms (dated September 19, 2013 from the Director, City Clerk's Office) be received for information.

CARRIED

PLANNING & DEVELOPMENT DEPARTMENT

5. **PROVINCIAL CORE REVIEW OF THE AGRICULTURAL LAND COMMISSION AND RESERVE**

(File Ref. No.) (REDMS No. 4005756)

Please see Page 5 for action on this matter.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (5:39 p.m.).

CARRIED

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Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, October 7, 2013.

Mayor Malcolm D. Brodie
Chair

Hanieh Berg
Committee Clerk