

2014-34

**To:** Mayor and Council  
**From:** Municipal Treasurer  
**Date:** January 15, 2014  
**Re:** Heritage Foundation Grant

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**BACKGROUND:**

We have received a cheque from the Victoria Foundation in the amount of \$736.00, which is actually a distribution to the Heritage Foundation. The cheque has come to the Municipality because of a rule that the Victoria Foundation works under that distributions of money must only be made to organizations with Canada Revenue Agency charitable status. The Oak Bay Heritage Foundation does not have this status, and therefore the money has been sent to us. While we do not have charitable status, as a municipal government we can issue official receipts for tax purposes and this meets the Victoria Foundation's guidelines.

**RECOMMENDATION:**

That we process the Victoria Foundation cheque for \$736.00, and in turn issue a grant to the Oak Bay Heritage Foundation for the same amount.



Patricia Walker  
Municipal Treasurer

I concur with the recommendation of the Municipal Treasurer



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Helen M. Koning  
Chief Administrative Officer

2014-36

To: Mayor & Council  
From: Manager of Recreation and Program Services  
Subject: Gracepoint Productions  
Request for Temporary Road Closure and Sidewalk Occupancy for Oak Bay Ave. February 10, 2014  
Date: January 22, 2014

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#### **BACKGROUND**

Gracepoint Productions will be filming a television mini series in the Municipality of Oak Bay as well as other greater Victoria locations. The filming begins in Oak Bay on January 28, 2014. The duration of filming for the entire project will be four months. This will be conducted at various locations in Oak Bay, Sidney, Victoria, and Cowichan Bay.

The following are the locations for filming in Oak Bay:

1. 2005 Oak Bay Avenue – Starting January 28th
2. 880 St. Patrick Street – Starting January 29th
3. Oaks Restaurant and Grill – Starting January 31st
4. Oak Bay Avenue from Monterey Avenue to Wilmot Place – February 10th (or alternate)

The film company will also be using the Oak Bay Marina parking lot for their crew parking.

#### **DISCUSSION**

The film company requests a Temporary Road Closure and Sidewalk Occupancy of Oak Bay Ave from Monterey Avenue to Wilmot Place on February 10th from 7 am to 6 pm. The permit request has been reviewed by all impacted municipal departments who have found no conflicts with other events or other road occupancies. The Traffic Management Plan has been reviewed and approved by the Fire Chief and the Chief of Police. The film company has met with and informed all of the affected businesses (Map and Street Plan attached).

In the event of bad weather or other circumstances that prevent filming on this day, or that may require follow up filming, permission is sought to allow an alternate day(s).

#### **FINANCIAL IMPACT**

Gracepoint Productions will be billed for all municipal costs in connection with the filming.

#### **RECOMMENDATION**

That a Temporary Road Closure and Sidewalk Occupancy of Oak Bay Avenue from Monterey Avenue to Wilmot Place on February 10, 2014 from 7 am to 6 pm, or alternate day(s) if required, subject to prior approval from the Chief Constable and the Manager of Recreation Program Services, be approved subject to Gracepoint Productions providing a Letter of Undertaking in which it will, among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$3,000,000;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the filming;

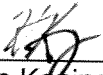
3. provide advance notification to all residents affected; and
4. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police.



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Janet Barclay  
Manager of Recreation Program Services

I concur with the recommendation of the Manager of Recreation Program Services.



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Helen Koning  
Chief Administrative Officer

2014-16

**To:** Mayor and Council  
**From:** Municipal Treasurer  
**Date:** January 8, 2014  
**Re:** Request to Write Off Penalty on Unpaid Taxes

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**BACKGROUND:**

The attached letter from the lawyer of the owner of 2144 Allenby Street requests that the penalty of \$339.19 for the late payment of the 2013 property taxes be written off.

**DISCUSSION:**

On July 3, the day after the tax due date, we processed 14 tax payments. There will have been other property owners who, on hearing that there would be no change in their tax balance between that date and December 31, decided to keep their money until the end of the year.

The 2013 property tax notices were mailed on May 14. Included on the back of the notices was the following: "POST DATED CHEQUES TO THE DUE DATE ARE ACCEPTED. A **24 HR. DROP BOX** is located at the entrance to the Oak Bay Municipal Hall" followed by payment options: cheque, mail, mortgage company, at banks, by telephone or by line banking. The 10% penalty was mentioned in several places on the front and back of the notice. The Mayor's letter, which accompanied the tax notices, also mentioned the importance of paying by July 2 and the various methods available of paying.

Section 315.3 of the *Local Government Act* states: "The Minister may confer on a local government further powers to manage and dispose of assets, including taxation revenue, that the Minister considers necessary or advisable." Under this Section, a municipal council may apply to the Minister for authority to write off a penalty for late tax payment, thereby overriding the *Municipal Tax Regulation*, which makes mandatory the imposition of a 10% penalty on taxes unpaid at the deadline date.

There have been a few cases where Council has agreed to take the necessary action to apply to write off late penalties. However, in other past appeals under this Section, while the intent of the property owner has not been in dispute, Council has declined to make the requested approach to the Minister because it has not found the facts to be sufficiently distinguishable from the other circumstances that result in late payment penalties in any given year.

In the case at hand, Council will want to decide whether Mr. Martin's circumstances are sufficiently singular and extenuating to warrant an application to the Minister for the required authority to write off the penalty.

**OPTIONS:**

1. Council can decide that given the number of alternative ways that are offered to pay property taxes and the particular circumstances of this request, it does not consider them to be singular and extenuating enough to warrant an application to the Minister for the authority to write off the penalty.
2. Council can decide that the circumstances of this request are singular and extenuating enough to warrant an application to the Minister for the authority to write off the penalty.

**FINANCIAL IMPACT:**

The particular circumstances involved in this request are not significantly dissimilar to other reasons that people give for not paying their taxes on time. If Council decides to apply for the authority to write off the penalty, it will be difficult to refuse other applicants. As an individual case, writing off \$339.19 would have a very small financial impact on the municipality. However, the precedent that it would set would have a much larger impact, which is difficult to quantify.

**RECOMMENDATION:**

I recommend that Council receives the correspondence and declines to pursue the matter further.



Patricia Walker  
Municipal Treasurer

I concur with the recommendation of the Municipal Treasurer

  
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Helen M. Koning  
Chief Administrative Officer

2014-41

**MEMORANDUM**

**TO:** Mayor and Council  
**FROM:** Director of Engineering Services  
**DATE:** January 23, 2014  
**RE:** Oak Bay High School Bowker Creek Restoration - Award Of Contract 13-001.

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**BACKGROUND**

Contract 13-001 is for the development of a detailed creek restoration design (including creation of engineered drawings and detailed construction specifications suitable for tender) for the section of Bowker Creek that runs through Oak Bay High school property. Critical to the development of a detailed design is the engagement of community members and Oak Bay High School students and faculty, through a series of "Creeks and Careers workshops" and via participation in a community, multi-disciplinary design charrette for the creek restoration/outdoor classroom area.

In May 2011 the CRD, through the Bowker Creek Initiative Coordinator on behalf of the District of Oak Bay submitted a funding application for the UBCM Innovations Fund for the Bowker Creek Restoration at Oak Bay High School. On December 2, 2011 the application was approved for 100% of the eligible costs of the approved project.

In December of 2013 a Request for Qualifications to undertake Phase 1 of this project the detailed design portion was advertised; three qualified firms were shortlisted and provided with Request for Proposal packages on January 8, 2014.

The three proposals received for the Oak Bay High School Bowker Creek Restoration Design project were scored and reviewed on Tuesday January 21, 2014. The proposal received from Kerr Wood Leidal (KWL) was the leader in the technical score. Following completion of technical scoring, the eligible financial packages were opened and recorded by the District of Oak Bay Deputy Treasurer Fernando Pimentel. KWL was the lowest cost proposal. Total scoring for technical and financial packages identified the KWL proposal as the best financial and technical option for contract award. A summary of the KWL proposal highlights is attached in Appendix A.

**FINANCIAL IMPLICATIONS**

The successful bid from KWL for Contract 13-001 Oak Bay High School Restoration Design was for \$107,355 (exclusive of taxes). Project funding from UBCM grant will cover 100% of costs.

The KWL proposal also provides an option for inclusion of an additional student workshop focused on environmental stewardship. This workshop is an innovative addition to the proposed scope of services and would provide students with an understanding of what they can do now to help promote environmental awareness through public education and become active in stream stewardship activities in their neighbourhood. This additional workshop is outside the proposed scope of works and would come at an additional cost of \$ 3420 exclusive of taxes. This would bring the total project cost to \$110,775

## **OPTIONS:**

1. That the contract be awarded to Kerr Wood Leidal in the amount of **\$107,355** exclusive of taxes for the development of a detailed creek restoration design (including creation of engineered drawings and detailed construction specifications suitable for tender) for the section of Bowker Creek that runs through Oak Bay High school property. As part of this design development process engagement of community members and Oak Bay High School students and faculty, through a series of "Creeks and Careers workshops" and via participation in a community, multi-disciplinary design charrette for the creek restoration/outdoor classroom area.
2. That the contract be awarded to Kerr Wood Leidal in the amount of **\$110,775** exclusive of taxes for the development of a detailed creek restoration design (including creation of engineered drawings and detailed construction specifications suitable for tender) for the section of Bowker Creek that runs through Oak Bay High school property. As part of this design development process engagement of community members and Oak Bay High School students and faculty, through a series of "Creeks and Careers workshops" and via participation in a community, multi-disciplinary design charrette for the creek restoration/outdoor classroom area. With the inclusion of the additional environmental stewardship workshop.

## **SUMMARY / CONCLUSIONS**

The KERR WOOD LEIDAL proposal was the leader in technical and financial components of the proposal review. The review committee Dave Marshall Director of Engineering Services for the District of Oak Bay, Nikki Curnow BCI Coordinator and Jody Watson CRD Harbours and Watersheds Coordinator proposes allocation of funds from the UBCM grant to Kerr Wood Leidal to allow for the completion of the project.

## **RECOMMENDATIONS**

That the District of Oak Bay award Contract 13-001 Oak Bay High School Restoration Design to Kerr Wood Leidal in the amount \$110,775 (which includes an additional student workshop).

Respectfully Submitted,



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D. Marshall B.Sc., A.Sc.T.  
Director of Engineering Services

Source of Funds/I concur with the recommendation of the Director of Engineering Services.



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Patricia Walker  
Municipal Treasurer

I concur with the recommendation of the Director of Engineering Services.



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Helen Koning  
Chief Administrative Officer



## **Appendix A Bowker Creek Restoration Project Approach**

The BCI, the District of Oak Bay, Oak Bay High School and School District 61 have identified this as a critical and opportunistic time to restore the reach of Bowker Creek through the school lands, in conjunction with the redesign of the school and playing field facilities. This project will be the first major creek restoration project along the creek and will achieve a key short-term priority identified in the *Bowker Creek Blueprint: A 100 year plan to restore the Bowker Creek Watershed*. This project is a joint project of the District of Oak Bay and the Bowker Creek Initiative (BCI) (represented by BCI Coordinator/CRD) and is supported by School District 61 and Oak Bay High School staff and students.

The creek restoration project will improve flow conveyance and reduce flooding, create habitat and improve water quality, provide a community-accessible green space and refurbish a greenway providing improvements to transportation networks, enabling walk ability and bike transportation. The objectives of the Bowker Creek restoration through Oak Bay High School lands are to:

- Develop and deliver creek restoration focused career learning opportunities for Oak Bay High school
- Engage students and staff of Oak Bay High school, community members and project partners in the development of a design charrette and build on an existing conceptual design to develop a final detailed creek restoration plan that will:
  - Improve drainage and flow conveyance and improve flood flow capacity to reduce flooding;
  - Include bioengineering treatments to manage erosion;
  - Create stream and riparian habitat and improve water quality;
  - Provide a community accessible green space and outdoor classroom alongside the restored section of Bowker Creek;
  - Provide for an outdoor classroom community space.

**THE Kerr Wood Leidal package proposes to take this project through to the development of a detailed creek restoration design (including creation of engineered drawings and detailed construction specifications suitable for tender) and provides for construction oversight during the construction phase of this project in 2015.**

**KWL proposes to develop the detailed creek restoration design through the following proposed activities:**

1. Project initiation and Background Review (**February 2014**)
2. Creeks and Careers Workshops. KWL proposes to develop and facilitate 5 creeks and careers workshops that will provide students with and understanding of careers such as Engineering, Landscape Architecture, Planning and Professional Biologists and roles they would play in a creek restoration project. This will provide the student with background knowledge and skillset to participate in the Design Charrette (**March 2014**)
3. Design Charrette KWL proposes to develop and facilitate a design Charrette that will provide students, community representatives, SD 61 representatives, Oak Bay staff and council representatives and representatives of the BCI with the opportunity to provide input into the development of the detailed creek restoration design. (**April 2014**)

- During the Charrette KWL will organize and orchestrate the group efforts towards:
  - Review of study area by a guided visit.
  - Review of maps, photographs and other information relating to the study area.
  - Identification of pertinent issues, problems and potentials for the study area.
  - Definition of desirable qualities, characteristics and goals for study area.
  - Definition of Design Principles to be followed.
  - Illustration of a Plan for the Study area.
- 4. Development of Design Option - Preliminary Design bringing together charrette information and building the existing conceptual design to an 80 % completion point.  
**(May/June 2014)**
  - Presentation of Design at 80% completion to District of Oak Bay Council inclusive of input from design charrette findings.
  - Two open houses to provide further opportunities for updates and input from the broader community.
- 5. Final Design - Presentation of final detailed creek restoration design (including creation of engineered drawings and detailed construction specifications suitable for tender).  
**(June 2014)**

**Construction Oversight** - KWL will provide BCI technical support and advice during the construction tender process and provide construction oversight during the construction of the restoration design including inspection services, preparation of construction documents and photographs and drawings. The construction oversight will ensure consistency between Phase 1 detailed design of Bowker Creek Restoration and Phase 2 the construction of detailed design.