

2012- 334



# Oak Bay Police Department

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## Memorandum

**To:** Oak Bay Municipal Council  
**From:** Chief Constable Fisher  
**File #**  
**Date:** 2012-11-21  
**Re:** Oak Bay Police Department Provisional 2013 Budget

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Attached is the provisional Oak Bay Police Department Budget for 2013. The provisional budget was approved by the Police Board at their meeting last month. As per the requirements of the Police Act this provisional budget is now being presented for Council's acceptance.

The Police Department budget is divided into operating and capital sections. The proposed budgetary increase for 2013 equates to a 0.28% increase in property taxes. The following is a brief summary of some of the significant variations from the 2012 budget.

The following are some of the changes of note in the operating budget:

- The Oak Bay Police Association Collective Agreement provides for a 1.5% salary increase that takes effect on December 31, 2012.
- We are not projecting any costs for the Strategic Planning for 2013. We anticipate that the Strategic Plan will be completed near the end of 2013. This decrease is offset by training costs to send our Acting Sergeants to the Police Leadership Conference in Vancouver in March 2013. The net impact is an increase of \$2755.00 to the training expense line.
- We have decreased the amount budgeted for Front Counter Relief from the Saanich Police Department by \$5767.00. With the new part time position at the Front Counter we have been able to adjust shifting and decrease the amount of callouts for backfill administrative support when someone is ill or on annual leave.
- The new Provincial Policing Standards for conducted energy weapons require recertification of members on an annual basis. In 2013 we will also need to replenish the ammunition supply for our firearms. The cost increase for these items is about \$8000.00 which is contributing factor to the \$11,030.00 increase in the Repairs and Supplies line item on page 2 of the provisional budget.
- There is a cost increase of \$4670.00 projected for the Crimestoppers program due to the fact that the Saanich and Victoria Police Departments are no longer willing to be the sole contributors to cost of staffing the police position in the Greater Victoria Crimestoppers office. This cost would reflect the Oak Bay portion of the cost to staff the office with one full time officer in that office if all

Capital Regional District police agencies split the cost of the position. The costing formula is based on the number of police officers in each agency.

- The costs of the Capital Regional District integrated police units have risen by \$7915.00. A 1.5% wage increase, and manpower increases to the Crowd Management Unit and the Emergency Response Team are the drivers behind these increases.

The 2013 capital budget includes a provision for the replacement of two police vehicles next year. One of those replacement vehicles was budgeted for in the 2012 budget but when the order was placed we were advised that we would not be able to take delivery of the vehicle until the spring of 2013. For that reason we have carried over the budget for this vehicle and added it to the 2013 capital budget. The capital budget also includes funding for renovations to the kitchen, downstairs washroom and the exhibit room.

Council must accept this provisional Police Board budget in order for it to be incorporated into the provisional budget for the Municipality as a whole.

If a Police Board and a Municipal Council cannot agree upon the inclusion of a particular item in the budget, the matter is referred to the Director of Police Services, Ministry of Solicitor General, for adjudication.

If Council is prepared to accept the budget as submitted, an appropriate motion at this time would be *"That the 2013 Police Board provisional budget be incorporated into an amended five year financial plan for the Municipality and referred to Estimates Committee."*

I am aware of the established protocol in regards to the requirement for express Council approval before making capital expenditures prior to completion of the review process at the Estimates Committee level.



Mark Fisher  
Chief Constable  
Oak Bay Police Department

2012- 335

To: Mayor & Council  
From: Director of Parks & Recreation  
Subject: School District #61 Grant Application  
Date: November 13, 2012



www.recreation.oakbay.ca

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#### PURPOSE

School District #61 has applied for grant funding under the *Supporting Neighbourhood Learning Centres* program. A resolution of support from Council is required as part of the grant application. This report will provide details of the program and the application.

#### BACKGROUND

The *School Community Connections* program is jointly managed by the Union of BC Municipalities (UBCM) and the BC School Trustees Association. In 2010 the *Supporting Neighbourhood Learning Centres* program was launched through the *School Community Connections* program. The goal of this program is to expand and enhance community use of Neighbourhood Learning Centre spaces.

The program provides for a maximum of \$17,500 in funding, with no requirement for matching funding. The deadline for applications was October 26, 2012. Applications require the inclusion of a resolution of support from both the School Board (this has been done) and the appropriate municipal government (this can be forwarded after the application has been submitted).

Staff at the Oak Bay High School approached us with a few ideas for projects that could be forwarded under the program. Together we agreed on purchasing additional equipment to establish a Community Television Production Centre. This equipment would allow for enhanced learning opportunities as part of the school curriculum, and would then be available for community programming during evenings and weekends. Our program staff are excited at the prospect of providing programs in such an exciting area of activity.

#### FINANCIAL IMPACT

There is no financial impact associated with this initiative, save for the future programming potential that would result if the grant application is successful.

#### RECOMMENDATION

That Council support the application by School District #61 to the *Supporting Neighbourhood Learning Centres Program* for the establishment of a Community Television Production Centre at Oak Bay High School.

A handwritten signature in black ink, appearing to read "Ray Herman", is written over a large, loopy scribble.

Ray Herman  
Director of Parks & Recreation

2012- 336



www.recreation.oakbay.ca

To: Mayor & Council  
From: Director of Parks & Recreation  
Subject: Henderson Construction Award  
Date: November 26, 2012

#### PURPOSE

The tendering process for the construction of the Henderson Recreation Centre expansion has now closed. Given the value of the construction, Council must approve the award of the contract.

#### BACKGROUND

A Request for Pre-Qualification (RFPQ) process was undertaken to select three construction contractors who were then invited to participate in the tendering process. We received nine submissions and we were impressed with the overall quality. The three contractors selected to participate in the tendering process were Heatherbrae Builders Co. Ltd., Ledcor Construction Ltd, and Patterson & Kaercher Construction Ltd. Tendering closed on November 22, 2012 and a public opening took place at the offices of CEI Architecture. I attended the public opening.

An air handling unit that would allow for better temperature control/air conditioning in the weight room was not included in the original project but was subsequently added to the tender request. Staff and the architect believe that including such a unit is very important so as not to re-open the facility at a competitive disadvantage. However, inclusion of the air handling unit has resulted in the submitted bids being over budget.

In anticipation of being over-budget, staff held off on a number of capital projects in 2012 until the tender results were known. These projects are OBRC Washroom Cubicles (\$16,600), Gyro Park Playground (\$14,000) and Henderson-Quail Room Improvements (\$5,950), for a total of \$36,550.

#### ANALYSIS

The results of the tendering are as follows:

	<u>Base Price</u>	<u>HST Payable</u>	<u>Total</u>
Heatherbrae Builders Co. Ltd.	\$398,874	\$7,180	\$406,054
<b>Ledcor Construction Ltd.</b>	<b>\$388,800</b>	<b>\$6,998</b>	<b>\$395,798</b>
Patterson & Kaercher Construction Ltd.	\$403,404	\$7,261	\$410,665

All three submissions are considered to be compliant with the terms of the tender documents.

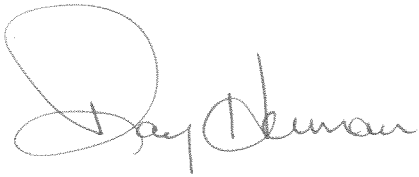
The construction budget for the project is \$377,148 including contingency and payable HST. All quotations above include the payable portion of the HST. The low bid is \$18,650 over budget, without any contingency. A 5% contingency would amount to an additional \$19,440, which would result in a budgetary shortfall of \$38,090.

Staff recommend acceptance of the low bid from Ledcor Construction Ltd. and award of the construction contract. Further, staff recommend redirection of the funds for the three 2012 capital

items noted above to the Henderson expansion project. This would provide for a 4.5% contingency fund. Funding for the three cancelled 2012 projects can be requested as part of the 2013 capital budget process.

**RECOMMENDATION**

1. THAT Council approve award of the construction contract for the expansion of the Henderson Recreation Centre to Ledcor Construction Ltd. at a value of \$388,800 plus applicable taxes; and
2. THAT Council approve the redirection of funding from 2012 capital projects OBRC Washroom Cubicles, Gyro Park Playground and Quail Room Improvements to the Henderson Recreation Centre expansion project.

A handwritten signature in black ink, appearing to read "Ray Herman". The signature is fluid and cursive, with a large initial "R" and "H".

Ray Herman  
Director of Parks & Recreation

November 4, 2012

To: Mayor and Council

From: Municipal Clerk

Re: **Tree Protection Bylaw Application for Reconsideration of Permit Refusal – 3145 Midland Road**

Under the *Tree Protection Bylaw*, adopted in 2006, the tree, located at 3155 Midland Road, for which a permit to prune the limbs overhanging the driveway at 3145 Midland Road was denied, would be considered protected.

Pursuant to the Bylaw, the Manager of Parks Services would issue a permit for the removal or damage of a protected tree where such removal or damage was required as per the various criteria laid out in the bylaw, which are as follows:

6. (1) to eliminate a hazard caused by a tree or part thereof which is dead, dying, severely damaged, unstable or severely leaning and in danger of falling;
- (2) to eliminate a hazard caused by interference with utility wires;
- (3) to eliminate a situation where a water line, sewer pipe or drain pipe is being chronically blocked or damaged by roots, or where pressure or penetration from tree growths above or below ground is causing damage to a building or part thereof, or to a significant structure, and there is no other reasonable solution that would not impose an undue hardship;
- (4) subject to Section 9, to allow the construction of a principal building in the location shown on a building permit application which complies with all applicable enactments and bylaws, and where the plans for the same have been approved by the building permit issuing authority for the Municipality;
- (5) to allow the construction of an accessory building or structure in a location complying with all applicable bylaws and regulations where a requirement to construct the building or structure in an alternate location would impose an undue hardship;
- (6) to prevent a foreseeable hazard that would be created by damage to the root system of a tree attributable to the construction of a building or structure in a location approved by the building permit issuing authority for the Municipality;
- (7) to allow the installation of underground or overhead services where a requirement to install the same in an alternate location would impose an undue hardship;
- (8) to allow the installation of a driveway or required off-street parking area where a requirement to install the same in an alternate location would impose an undue hardship;

- (9) or warranted because the tree, due to disease, decay, dieback or other pathological condition, mishap or pest attack is in an advanced and irreversible state of decline:
- (a) that will on balance of probability cause the death of the tree within 5 years or less; or
  - (b) which has already caused the tree to deteriorate to the point that its continued retention can no longer reasonably be considered to serve the tree protection objectives of this Bylaw;
- (10) , in accordance with sound arboricultural principles and practices, and pursuant to the goal of maintaining the native urban forest in a state of ongoing renewal, to promote and protect the health and vigour of any one tree of the species Garry Oak (*Quercus garryana*), Arbutus (*Arbutus menziesii*), Pacific (Western) Yew (*Taxus brevifolia*), Black Hawthorn (*Crataegus douglasii*) or Pacific (Western Flowering) Dogwood (*Cornus nuttallii*), which has either a basal diameter greater than 10 centimetres or a height above the point of germination in excess of 2 metres.
- (11) to prevent foreseeable damage to a building, or to a significant structure, from:
- (a) a limb, trunk or stem failure; or
  - (b) pressure or penetration from tree growths above or below ground,
- which the Manager of Parks Services has identified as a substantial risk based on his examination of the tree in the context of its location, characteristics and general environment, notwithstanding that the tree may not at the time of application exhibit any of the hazardous conditions set out in Section 6(1) or actually be causing damage as described in Section 6(3); or
- (12) to remedy an undue hardship attributable to the material and deleterious effect of the tree on an improvement of significant value located on the subject parcel, or on land adjoining the subject parcel.

In the case at hand, the Manager of Parks Services has determined that none of the criteria under which he has the authority to issue a permit apply (see additional information attached). Therefore, the owner of 3145 Midland Road is seeking Council reconsideration of the decision to refuse to issue a permit. The owner of 3155 Midland Road, the lot on which the tree is located, has also been informed of the request for reconsideration.

In this regard, Section 21.1 of the Tree Protection Bylaw provides that in the case of a request for reconsideration of a decision of the Manager of Parks Services, Council would review the Manager's interpretation and application of the permit-issuing criteria set out in Section 6 and, if supported by the facts and in harmony with the scheme of this Bylaw generally and the language of that section in particular, may substitute its own interpretation or application and order the issuance of a permit where it is satisfied that the issuance of the permit having regard to:

- (1) the species of the tree;
  - (2) the form of the tree;
  - (3) the condition of the tree; or
  - (4) the general density of protected trees on the subject parcel,
- would not defeat the intent of this Bylaw.



Lorraine Hilton  
Municipal Clerk

November 23, 2012

TO: Mayor & Council

FROM: Municipal Administrator

**SUBJECT: Selection of Contractor – Animal Control Services**

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**BACKGROUND:**

In recent years, Oak Bay has entered into 3-year contracts for animal control and pound services. Victoria Animal Control Services Limited (VACS) has provided these services since 2007. The current contract expires December 31, 2012. A request for proposals was issued for the period 2013 – 2015 and proposals were received from VACS and the Capital Regional District (CRD).

**COMPARISON:**

Both proponents meet our requirements. Furthermore, having had a working relationship with both proponents, I have every confidence that either proponent would do an admirable job of providing animal control services to Oak Bay.

**COST:**

The proposals differ in that CRD provides a flat, all-inclusive cost, whereas the cost for VACS depends on the number of hours actually worked (including overtime and call-outs). VACS has provided an estimated range of \$67,040 to \$70,020 per annum, however based on our experience in recent years the cost for VACS would be approximately \$68,000.

CRD: \$53,800  
VACS: \$68,000 (estimated)

I find it interesting to note that the current CRD proposed cost for patrol and enforcement is significantly less than they have proposed in the past (e.g. in a previous proposal the cost for 2012 was \$59,800, as compared to the current proposal of \$42,300). However, based on their response to the RFP and on their reputation in the region, I feel assured that they will provide all the services that we would expect of them.



**CONCLUSION:**

Overall, we are pleased with the service that VACS has provided. Furthermore, their pound is closer (in the City of Victoria) and therefore more convenient for our residents. There is also currently some consistency in that VACS provides animal control services to the core municipalities of Oak Bay, Victoria and Esquimalt. All things being equal I would be recommending that we do not undergo a transition and switch contractors.

However, “things” are clearly not equal as CRD’s proposed cost is significantly less. I would have some hesitancy in recommending their proposal if I did not have complete confidence that CRD would provide the services we expect and deliver them in the way we expect, but based on their reputation and on my working experience with CRD Animal Control Services I have no such reservations. Furthermore, CRD does have experience in Oak Bay, as they had the contract from 2003 to 2006.

**RECOMMENDATION:**

That CRD be awarded the contract for animal control and pound services for the period 2013 – 2015. If Council wishes to accept this recommendation, a motion authorizing staff to execute a three year contract with the CRD would be appropriate, subject to receiving consent for the pound location from the District of Saanich pursuant to Section 13(1) of the *Community Charter*.



Mark A. Brennan  
Municipal Administrator

**To:** Mayor and Council  
**From:** Municipal Clerk  
**Date:** November 22, 2012  
**Re:** **Bylaws for Council Meeting of November 26, 2012**

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**For Adoption**

Bylaw No. 4578, Mayor and Councillors Annual Indemnity Bylaw, 2013

Bylaw No. 4578 would adjust the Mayor and Councillors remuneration for 2013, in accordance with Council policy set in 1997, by 0.5 % effective January 1, 2013. The adjustment is based on the year over year change in the consumer price index for Victoria, as of September 2012.

The new indemnities will be:

Mayor	\$28,193
Councillors	\$11,965

of which, one-third is paid as an allowance for expenses incidental to the discharge of the duties of office.

**For First, Second and Third Reading**


Bylaw No. 4579, Water Rate Bylaw Amendment Bylaw, 2013

This Bylaw will set the 2013 water rates, which are based on 35% of the revenues being raised by means of a fixed daily charge of 43.12¢ (no change from 2012). The remainder of the net costs will be covered by a consumption charge of \$2.167 per unit (100 cubic feet). The new consumption rates represent a 10.5% increase over 2012 rates, and for an average house the combined rates translate into a 6.23% increase.

Bylaw No. 4580, Sewer User Charge Bylaw Amendment Bylaw, 2013

This Bylaw amends the charges for municipal and regional sewer user costs. In 2006, Council determined that 70% of both the municipal costs and the cost of regional sewer debt incurred after 2006 would be raised through sewer user charges. This policy was amended beginning in 2011 when it was decided that the portion of the regional sewer debt to be collected through sewer user charges would increase by 10% each year, along with the new treatment facility operating costs. In 2013, 100% of these costs would then be collected through sewer user charges.

For 2013, the charge required to balance the municipal portion of the sewer utility budget will be \$1.2227 per unit (100 cubic feet) of water consumed. This represents an increase of 20% from the 2012 charge of \$1.0189 per unit. The Bylaw also increases the charge for regional costs from 76.53¢ per unit of water consumed to 97.96¢, an increase of 28%. The regional costs relate to sewer debt incurred by the Capital Regional District for Oak Bay sewer projects and Oak Bay's portion of costs relating to regional sewage treatment.

  
Lorraine Hilton  
Municipal Clerk

Attach.