



AGENDA
REGULAR MEETING
DECEMBER 10, 2019

CALL TO ORDER:

INTRODUCTION OF LATE ITEMS: - Resolution required to add late items, if any

ADOPTION OF AGENDA: - Resolution to adopt the Agenda for the December 10, 2019, Regular Meeting.

MINUTES: - Resolution to adopt the Minutes of the November 26, 2019, Regular Meeting

Resolution to adopt the Minutes of the November 29, 2019, Committee of the Whole Meeting

PETITIONS & DELEGATIONS: - Nil

PUBLIC QUESTIONS & COMMENTS: -

OLD BUSINESS: - Nil

CORRESPONDENCE FOR INFORMATION: - Resolution to receive the following items for information:

- Accountability for Climate Change (*West Coast Environmental Law - Andrew Gage, Lawyer*)

STAFF REPORTS: - Resolution to receive the following items for information:

- Revenue & Expense Report – December 6, 2019

COUNCIL REPORTS:

Verbal Reports -

Regional District of Central Kootenay -

West Kootenay Boundary Regional Hospital District -

Recreation Commission #6 - Minutes - April 18 & Aug.29, 2019

Economic Development Commission - Draft Minutes – Oct. 25, 2018

Rosebery Parklands & Trail Commission - Open Meeting Agenda - Nov. 21, 2019

Treaty Advisory Committee -

Fire Department Committee -

Health Advisory Committee -

NEW BUSINESS:

- LACE - Lora Lee Brekke, President
- Bosun Hall Kitchen Building Permit
 - Appointment of Auditor
 - Appointment of Financial Institution
 - Office Holiday Hours
 - Acting Mayor Appointments 2020

MOTION TO EXCLUDE:

- Moved by Councillor _____ and seconded that the public interest requires that, as per sections 90(1) (c) of the *Community Charter*, persons other than members of Council and the Acting CAO be excluded from the meeting as it pertains to personnel matters.

RECONVENE IN CAMERA:

- Moved by Councillor _____ and seconded that Council recess and reconvene in camera at _____ p.m.

RECONVENE IN OPEN MEETING:

- Moved by Councillor _____ and seconded that Council reconvene in open meeting at _____ p.m.

**RESOLUTIONS BROUGHT
FORWARD FROM IN CAMERA:**

- Moved by Councillor _____ and seconded that Resolution# _____ be brought forward to the public portion of the meeting.

ADJOURNMENT:

- Resolution to adjourn the meeting at ____ p.m.



MINUTES
REGULAR MEETING

DATE: November 26, 2019
TIME: 7:00 p.m.
PLACE: Council Chambers

PRESENT:

- Mayor Leonard Casley
- Councillor John Fyke
- Councillor Vern Gustafson
- Councillor Colin Moss
- Councillor Gerald Wagner
- Catherine Allaway, Acting CAO
- Jessica Rayner, Planning Assistant
- Press: Valley Voice
- Guests: Nil

CALL TO ORDER:

- Mayor Casley called the meeting to order at 7:00 p.m.

ADOPTION OF AGENDA:

RESOLUTION #370

- Moved by Councillor Moss and seconded that the agenda for the November 26, 2019 Regular Meeting be adopted as presented.

CARRIED

MINUTES:

RESOLUTION #371

- Moved by Councillor Wagner and seconded that the Minutes of the November 12, 2019 Regular Meeting be adopted as read.

CARRIED

RESOLUTION #372

- Moved by Councillor Gustafson and seconded that the Minutes of the November 15, 2019 Special Meeting be adopted as read.

CARRIED

PETITIONS & DELEGATIONS:

- Nil

PUBLIC QUESTIONS & COMMENTS:

- Nil

OLD BUSINESS:

- Nil

CORRESPONDENCE FOR
INFORMATION:

RESOLUTION #373

- Moved by Councillor Gustafson and seconded that the following correspondence be received for information:
 - Community Compost Bins (*Andrea Saba, New Denver*)
 - Public Art Grants (*Columbia Basin Trust - Michelle d'Entremont, Delivery of Benefits Manager*)
 - CBT Housing (*Columbia Basin Trust - Ulli Mueller, Program Coordinator*)
 - Climate Preparedness & Adaptation Strategy (*Government of BC - Jeremy Hewitt, Assistant Deputy Minister*)
 - CleanBC Job Readiness (*Government of BC*)
 - West Kootenay Transit Public Engagement (*BC Transit Communications*)

CARRIED

STAFF REPORTS:

- Nil

COUNCIL REPORTS:

Verbal Reports

- Councillor Fyke reported on his participation in the West Kootenay Transit Public Engagement session.
- Councillor Moss reported on his recent meeting with the Kaslo Health Committee
- Councillor Moss reported on the recent Black Press newspaper coverage regarding the rat problem

Regional District of Central Kootenay

- Councillor Moss reported on RDCK affairs

West Kootenay Boundary Regional Hospital District

- Nil

Recreation Commission #6

- Nil

Economic Development Commission

- A meeting is scheduled for December 5th

Rosebery Trails & Parklands Commission

- The Galena Trail boardwalk replacement project is nearly complete

Treaty Advisory Committee

- Councillor Fyke reported on his participation via teleconference in the recent meeting held in Cranbrook

Fire Department Committee

- A meeting is scheduled for December 12th

Health Advisory Committee - Nil

NEW BUSINESS:

RESOLUTION #374

Building Step Code Implementation
(RDCK – John Southam, Building Manager)

- Moved by Councillor Moss and seconded that Council encourage voluntary participation in BC Energy Step Code effective immediately and proceed toward a 2020 transition to requiring Step 1 of the BC Energy Step Code;

AND FURTHER that Council direct staff to engage industry, the community, and RDCK staff to review local readiness for participation in the BC Energy Step Code.

CARRIED

RESOLUTION #375

Jungmann Lane Sale Request

- Moved by Councillor Moss and seconded that Council advise the Jungmanns that they do not wish to dispose of the lane allowance immediately east of 912 Kildare Street (Block 37) at this time.

CARRIED

RESOLUTION #376

Fire Service Contracts

- Moved by Councillor Wagner and seconded that the Mayor and Corporate Officer be authorized to sign Fire Service Contracts with the Village of Silverton and the Regional District of Central Kootenay for the period January 1, 2020 – December 31, 2024.

CARRIED

RESOLUTION #377

Health Advisory Committee – Terms of Reference

- Moved by Councillor Moss and seconded that the recommendation from the Health Advisory Committee regarding inviting regular representatives from the Pavilion Resident Council Friends & Family, the Slocan Wellness Centre and the New Denver & Area Hospice Society as regular guests to meetings be received for information.

CARRIED

RESOLUTION #378

Bosun Hall Grants in Aid

- Moved by Councillor Fyke and seconded that grants-in-aid to offset the cost of Knox Hall rental fees be provided to those community groups that require relocation as a result of the temporary closure of the Bosun Hall kitchen.

CARRIED

RESOLUTION #379

CBT Technology Funding Agreement

- Moved by Councillor Moss and seconded that the Corporate Officer be authorized to sign the agreement with the Columbia Basin Trust for funding

through the Community Technology Program on behalf of the Village of New Denver.

CARRIED

RESOLUTION #380

RDCK Board Appointments

- Moved by Councillor Gustafson and seconded that Councillor Moss be appointed as the Regional District of Central Kootenay Director for the Village of New Denver effective January 1, 2020.

CARRIED

RESOLUTION #381

- Moved by Councillor Gustafson and seconded that Councillor Fyke be appointed as the Regional District of Central Kootenay Alternate Director for the Village of New Denver effective January 1, 2020.

CARRIED

RESOLUTION #382

- Moved by Councillor Gustafson and seconded that Councillor Moss be appointed as the West Kootenay Boundary Regional Hospital District Representative for the Village of New Denver effective January 1, 2020.

CARRIED

RESOLUTION #383

- Moved by Councillor Gustafson and seconded that Councillor Fyke be appointed as the West Kootenay Boundary Regional Hospital District Alternate Representative for the Village of New Denver effective January 1, 2020.

CARRIED

RESOLUTION #384

RDCK Commission Appointments

- Moved by Councillor Wagner and seconded that Daniel Hellyer be recommended for appointment as the Village of New Denver's alternate community representative to Recreation Commission #6 effective January 1, 2020.

CARRIED

RESOLUTION #385

- Moved by Councillor Wagner and seconded that Councillor Gerald Wagner be appointed as the Village of New Denver's Council representative to Recreation Commission #6 effective January 1, 2020.

CARRIED

RESOLUTION #386

- Moved by Councillor Wagner and seconded that Councillor John Fyke be appointed as the Village of New Denver's alternate Council representative to Recreation Commission #6 effective January 1, 2020.

CARRIED

MOTION TO EXCLUDE:

RESOLUTION #387

- Moved by Councillor Gustafson and seconded that the public interest requires that, as per sections 90(1) (k) of the *Community Charter*, persons other than members of Council and the Acting CAO be excluded from the meeting as it pertains to discussions regarding proposed provision of municipal services.

CARRIED

RECONVENE IN CAMERA:

RESOLUTION #

- Moved by Councillor Moss and seconded that Council recess and reconvene in camera at 8:23 p.m.

CARRIED

RECONVENE IN OPEN MEETING:

RESOLUTION #391

- Moved by Councillor Wagner and seconded that Council reconvene in open meeting at 10:18 p.m.

CARRIED

RESOLUTIONS BROUGHT
FORWARD FROM IN CAMERA:

- Nil

ADJOURNMENT:

RESOLUTION #392

- Moved by Councillor Wagner and seconded that the meeting be adjourned at 10:19 p.m.

CARRIED

MAYOR CASLEY

CORPORATE OFFICER



MINUTES
COMMITTEE OF THE WHOLE MEETING

DATE: November 29 2019
TIME: 1:00 p.m.
PLACE: Council Chambers

PRESENT:

- Mayor Leonard Casley
- Councillor John Fyke via Skype
- Councillor Vern Gustafson
- Councillor Gerald Wagner
- Catherine Allaway, Acting CAO
- Press: Nil
- Guests: John Purdy – BC Housing, Wendy Harlock, Jan McMurray

CALL TO ORDER:

Mayor Casley called the meeting to order at 1:05 p.m.

INTRODUCTION OF LATE ITEMS:

- Nil

ADOPTION OF AGENDA:

RESOLUTION #

- Moved by Councillor Wagner and seconded that the agenda for the November 29, 2019 Committee of the Whole Meeting be adopted as presented.
CARRIED

NEW BUSINESS:

- Council discussed accessing BC Housing funds to develop an affordable housing project in New Denver.

ADJOURNMENT:

RESOLUTION #

- Moved by Councillor Wagner and seconded that the meeting be adjourned at 2:55 p.m.
CARRIED

MAYOR CASLEY

CORPORATE OFFICER



The Corporation of the Village of New Denver

P.O. Box 40, New Denver, BC V0G 1S0 • office@newdenver.ca

PHONE (250) 358-2316 • FAX (250) 358-7251

TO: Mayor and Council
FROM: Corporate Officer
SUBJECT: Communications for Information
DATE: December 6, 2019

RECOMMENDATION:

That the following correspondence be received for information:

- Accountability for Climate Change (*West Coast Environmental Law - Andrew Gage, Lawyer*)

November 28, 2019

Village of New Denver

*** VIA OFFICE@NEWDENVER.CA ***

Attn. Mayor and Council

Dear Mayor and Council,

Re: Invitations from Vancouver and Victoria to collaborate on Accountability for Climate Change

Thank you for your leadership in supporting moves towards Accountability for Climate Change. The stories you have told in your letters, to the global fossil fuel companies and the Provincial government, have contributed to the global conversation by bringing in your local perspectives. We know that the Carbon Majors are starting to hear your messages because the way that Saudi Aramco, Shell, and other global companies are talking about climate change and their business models is shifting. While these corporations are not yet walking the walk, they are taking the first steps to notify their shareholders of liability risks associated with their products and to distance themselves from coalitions that promote climate denial. They need to move further to align their business decisions with the Paris Accord.

It's important to keep the pressure on.

On June 27th 2019, Vancouver City Council passed a motion instructing Mayor Kennedy Stewart to reach out to local governments across Canada to investigate possible joint legal strategies to hold fossil fuel companies accountable for climate costs. There are obvious advantages to municipalities working together on this issue.

As well, at the recent UBCM Convention, the City of Victoria announced that Joseph Arvay, one of Canada's top litigators, is drafting a legal opinion about the potential for a class action lawsuit by BC communities against fossil fuel companies, seeking compensation for climate costs. We understand that Mr. Arvay will be making the opinion available to interested municipalities on a confidential basis.

We are writing today to encourage you to explore the legal options related to climate costs for your own local governments. It is significant that many BC local governments have already written letters to fossil fuel companies pointing out the moral responsibility of those companies for local climate costs. However, recovering climate costs from fossil fuel companies and transforming their business practices may require stronger action.

We ask that you reach out directly to Victoria's Mayor and Council (mayorandcouncil@victoria.ca) and to the Vancouver Mayor's office (Kennedy.Stewart@vancouver.ca), and the two councillors who moved this motion (Jean.Swanson@vancouver.ca and Christine.boyle@vancouver.ca) to discuss options and opportunities for collaboration. Legal strategies offer pathways to a fairer allocation of climate costs like infrastructure upgrades, and can have an impact on global corporate responsibility. Litigation is one legal strategy (although not the only one), and we've enclosed a backgrounder for local governments on what a class action lawsuit by BC local governments might look like. Understanding the pros and cons of available legal strategies does not commit you to a particular next step, but allows you to be better informed.

The fights about tobacco, asbestos and opioids have shown that when powerful companies believe that they can make a lot of money while leaving consumers and taxpayers to pay for the damages associated with the use of their products, the resulting business decisions harm us all. Fossil fuel companies have known since the 1960s that their products would contaminate the global atmosphere, causing temperatures and sea levels to rise, increased drought and extreme weather, etc. Rather than working to address climate change, the companies worked to delay action - and they will continue to prioritize developing their fossil fuel reserves if they can expect to make still more profits without paying any of the costs..

We know that your climate action and leadership is not limited to corporate climate accountability, and want to commend you for your work in reducing your own greenhouse gas footprint. We know that if every level of government followed the leadership that you are showing, we would be better off.

We are writing to extend our support for your council taking these actions, and our interest in working with you to explore legal strategies to get real climate action, and to amplify and celebrate your climate leadership in all activities.

Sincerely:



Anna Barford
Community Organizer
Georgia Strait Alliance



Andrew Gage
Staff Lawyer
West Coast Environmental Law



Georgia Strait Alliance
Caring for Our Coastal Waters



WEST COAST
Environmental Law

cc. Mayor (via email at mayor@newdenver.ca)

SUING FOSSIL FUEL GIANTS

AN INTRODUCTION FOR LOCAL GOVERNMENTS

Andrew Gage, Staff Counsel

In January 2017, over 50 BC-based environmental groups asked the province's local governments to consider a class action lawsuit to recover a share of their climate-related costs from global fossil fuel companies. Since then the State of Rhode Island, New York City, San Francisco and a dozen other local governments in the U.S. have launched such lawsuits, and in BC there is growing interest in ways to pay for rising costs of climate change and to press fossil fuel companies to pay a fair share of those costs.

Why do climate lawsuits matter to our communities and our planet?

BC communities face millions, and collectively, billions, of dollars of expenditures to prepare for and recover from events made worse by climate change (wildfires, flooding, coastal erosion, drought, etc.). Canada is warming twice as fast as the global average, and in 2018 Canadian governments paid an estimated \$5.7 billion to rebuild public infrastructure harmed by extreme weather,¹ much of it attributable to climate change.

Currently taxpayers pay all of these costs. At the local level, elected officials who want to maintain existing levels of services will need to find ways to pay for mounting climate costs. Provincial and federal funding is uncertain, and raising local taxes is challenging.

Fossil fuel giants should pitch in to address climate costs

Fossil fuel companies — Chevron, ExxonMobil and other global corporations — share responsibility for causing climate change, as do all of us who use their products. Unlike

taxpayers, however, the fossil fuel companies are escaping responsibility for climate costs. Climate litigation can hold fossil fuel companies legally accountable for a fair share of the bill.

Demanding that fossil fuel companies take responsibility for harm caused by their products reduces the burden on taxpayers. It also helps fossil fuel companies, their investors and governments value the costs and benefits of oil, gas and coal more realistically by including some of the climate costs of fossil fuel products on the corporate balance sheet. Corporate behaviour and investment is already shifting as a result of climate litigation, with companies investing more in renewable energy and disclosing risks related to fossil fuels.

Like climate change, climate litigation has a global impact

Climate litigation targets global fossil fuel companies for their *global* operations, giving local governments the power to demand accountability beyond Canada's borders. Canadian law on international disputes allows BC municipalities to sue global companies in Canadian courts because harm is experienced in BC.²

¹ Insurance Bureau of Canada. [“Severe Weather Causes \\$1.9B in Insured Damage in 2018”](#) (Jan. 16, 2019). For every \$1 paid out in insurance, IBC estimates that Canadian governments pay out \$3 to recover public infrastructure. \$1.9B in insured losses means approx \$5.7 billion in taxpayer costs.

² Gage, A. and Wewerinke, M. [Taking Climate Justice into our own Hands](#). (Vancouver: West Coast Environmental Law, 2015).

What might a class action lawsuit look like?

The specifics would be up to the local governments and their lawyers. However, based on our research, and with input from senior litigation specialists, West Coast has the following general recommendations:

A class action	A class action would reduce the costs of multiple lawsuits by allowing plaintiffs to work together to settle key questions of fossil fuel company responsibility for climate change. BC's class action rules protect parties from having to pay the other side's legal fees if they lose.
Brought by local governments for climate adaptation costs	Legally, to protect their citizens, local governments must build infrastructure now to withstand future climate patterns, based on the best available science. A court is likely to accept the link between current costs and climate change, giving the municipalities the right to sue to recover the costs.
In nuisance	Nuisance is unreasonable interference with property, including municipal infrastructure (private nuisance) or with our common rights and interests in a healthy global atmosphere (public nuisance).
Against fossil fuel companies	Just five companies (Chevron, Exxon Mobil, Saudi Aramco, British Petroleum and Shell) are responsible for approximately 14% of historic greenhouse gas emissions. ³ A lawsuit could claim a contribution from each company based on their respective percentage as well as the efforts of companies to mislead the public and delay action on climate change.

Big Tobacco, Asbestos, and Big Pharma all learned that if you sell products that you know will cause massive harm, sooner or later you will be sued.⁴ The same goes for the fossil fuel industry.

How can we manage the costs of litigation?

Class actions provide for flexibility in funding. Options to manage costs include:

- sharing the costs, based on each community's ability to pay and desire to play an active role in the litigation;
- crowdfunding from members of the public;
- funding from private foundations or philanthropists; and
- hiring lawyers and experts willing to work at a reduced rate, or on a contingency basis.

The first stage of a class action lawsuit is to ask a judge to certify that the case should be allowed to proceed as a class action. Successful certification may raise the profile of the case and increase options for funding (including using any settlements to fund the litigation against remaining companies).

Parties in class action lawsuits in BC are not generally required to pay defendants' legal costs.

³ R. Heede. *Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854-2010*, Climatic Change [Vol. 122: 1-2, January 2014], pp. 229-241.

⁴ M. Olszynski et al. *From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability*. Georgetown Environmental Law Review [Vol 30:1] 1.

Why sue fossil fuel companies?

There's no way around it: solving climate change means dealing with our collective fossil fuel dependency. Plentiful and relatively cheap energy from fossil fuels has benefitted modern society, but we're now realizing that there were enormous deferred costs to our communities.

In a society relying on fossil fuels, we're all responsible for climate change. That means that both consumers AND producers need to take responsibility. Fossil fuel companies, along with consumers, *share* responsibility for climate change.

Right now taxpayers carry the entire burden of climate costs caused by fossil fuels, while fossil fuel producers continue to make a lot of money from selling them. Asking companies to bear *some* of those costs is not about blaming the industry or denying individual responsibility – it's about acknowledging our shared responsibility.

Chevron, Exxon Mobil and other fossil fuel companies knew in the 1960s that their products would cause climate change and devastating impacts to communities around the world. Still, they chose to:

- undermine technology in solar, wind and low-emission vehicles (among others) that could have offered consumers less-polluting choices;
- fund and participate in misinformation campaigns designed to mislead the public (consumers) on climate science;
- lobby against laws and international agreements intended to fight climate change.⁵

⁵ CIEL. *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis* (November 2017), last accessed 10 April 2019.

How long will climate litigation take?

On average class action lawsuits in Canada take three to four years, but complex litigation against fossil fuel companies could take significantly longer. However, once a class action is filed it would have immediate impacts.

Facing climate lawsuits in the U.S. and possible litigation elsewhere, oil giants like Chevron⁶ and Saudi Aramco⁷ have already warned their investors to factor this type of litigation into their investment decisions. As well, oil giants have demonstrated an increased interest in climate action since being sued:

- ExxonMobil endorsed a proposal for a U.S. carbon tax starting at \$40/tonne that would also protect oil companies against U.S. litigation⁸ – a cynical move, but it shows how seriously the company takes the risks of litigation.
- Shell increased investments in renewable energy to \$2 billion/year shortly after being sued in the U.S., and has plans to increase that to \$4 billion/year;⁹
- Shell, and to a lesser extent Chevron and ExxonMobil, have recently withdrawn from industry associations that oppose climate action.¹⁰

⁶ ThinkProgress. [“Chevron is first oil major to warn investors of risks from climate change lawsuits”](#) (Mar. 2, 2017).

⁷ Climate Home News. [“Saudi Aramco says climate lawsuits ‘could result in substantial costs’”](#) (Apr. 2, 2019).

⁸ Vox. [“Exxon is lobbying for a carbon tax. There is, obviously, a catch.”](#) (Oct. 18, 2018).

⁹ The Guardian. [“Shell says it wants to double green energy investment”](#) (Dec. 26, 2018).

¹⁰ Reuters. [“Citing climate differences, Shell walks away from U.S. refining lobby”](#) (Apr. 2, 2019).

Why litigate, instead of carbon pricing?

A global price on carbon for the actual costs of burning fossil fuels would be ideal. Such a price would shift investment decisively to renewables, while providing revenue to communities harmed by climate change. A global price would not allow companies to move around to avoid it.

But global pricing systems – for example, the International Oil Spill Compensation Funds – have often emerged *as the result* of national efforts to secure liability (through courts or legislation) against international polluters.¹¹

Without the possibility of litigation, fossil fuel producing countries have in the past opposed carbon pricing proposals, leaving it to individual countries to take action. In Canada, a carbon price (unlike a lawsuit under Canadian law) applies only to Canadian emissions, affecting only a small portion of global GHG emissions.

In the absence of strong global action to regulate greenhouse gases, litigation is a way for communities to build momentum for corporate and government climate action.

How do climate accountability letters and legislation relate to a class action lawsuit?

Many BC communities are sending climate accountability letters to fossil fuel companies demanding compensation, and calling on the provincial government to enact a law to clarify the legal responsibility of these companies. Along with litigation, climate accountability letters and legislation are important tools in the toolbox for holding fossil fuel companies accountable for harm caused by their products.¹²

Climate accountability letters are an accessible way for a community to call attention to the moral and legal responsibility of fossil fuel companies for local climate costs. They help shift corporate and public dialogue about who should pay for climate costs, and demonstrate to courts, legislators and corporations that there is public interest in seeing fossil fuel companies pay a fair share. They do not commit a local government to taking other legal action.

Climate lawsuits can, and should, be brought under existing legal rules – but fossil fuel companies and their corporate lawyers are going to aggressively argue that those rules shouldn't apply to them. A *Liability for Climate-related Harms Act* could answer fundamental questions and shorten years of litigation and appeals. Similar to the *Tobacco Damages Recovery Act* from the 1990s, and the more recent *Opioid Damages and Health Care Recovery Act*, BC could enact legislation that would clarify liability around climate costs.¹³

Conclusion

A lawsuit by BC's local governments against global fossil fuel companies for climate costs will ensure that governments, corporations and investors start to address the true costs of fossil fuels in their financial decisions. Knowing that they may need to pay for the harm caused by their products gives these companies a strong incentive to invest their considerable expertise and resources in building a sustainable future. At the same time climate litigation helps ensure our communities have the resources needed to protect themselves from climate change.

For more information, contact Staff Lawyer Andrew Gage at agage@wcel.org.

¹¹ P.D. Lowry. *The Shipowner and Oil Pollution Liability*. McGill Law Journal (1972) Vol 18(4) 577.

¹² Gage, A. [Climate Accountability Letters: An Introduction for Local Governments](#). (West Coast Environmental Law, 2017).

¹³ Gage, A. and Wewerinke, M. [Taking Climate Justice into our own Hands](#) (West Coast Environmental Law, 2015).



The Corporation of the Village of New Denver

P.O. Box 40, New Denver, BC V0G 1S0 • office@newdenver.ca

PHONE (250) 358-2316 • FAX (250) 358-7251

TO: Mayor and Council
FROM: Corporate Officer
SUBJECT: Request for Information
DATE: December 6, 2019

RECOMMENDATION:

That the following items be received for information:

- Revenue & Expense Report – December 6, 2019

For All Revenue, Expense Accounts
Zero Balance Accounts NOT Included

Transactions Entered From 01/01/2019
To 31/12/2019

Account	Description	Period Actual	Period Budget	YTD Actual	YTD Budget
REVENUE					
TAXATION					
	TOTAL TAXATION:	280,449.91-	280,450.00-	280,449.91-	280,450.00-
GRANTS IN LIEU OF TAXES					
	TOTAL GRANTS IN LIEU:	17,314.68-	12,458.77-	17,314.68-	12,458.77-
SALE OF SERVICES					
	TOTAL SALE OF SERVICES:	187,921.01-	165,850.00-	187,921.01-	165,850.00-
OTHER REV. - OWN SOURCES					
LICENCES AND FEES					
	TOTAL LICENCES AND FEES:	18,801.98-	9,520.00-	18,801.98-	9,520.00-
RENTALS					
	TOTAL RENTALS:	9,910.36-	8,238.00-	9,910.36-	8,238.00-
INTEREST AND PENALTIES					
	TOTAL INTEREST AND PENALTIES:	7,452.05-	3,800.00-	7,452.05-	3,800.00-
OTHER REVENUES					
	TOTAL OTHER REVENUES:	13,971.97-	47,500.00-	13,971.97-	47,500.00-
	TOTAL OTHER REV OWN SRC.:	50,136.36-	69,058.00-	50,136.36-	69,058.00-
TRANSFERS - OTHER GOVTS.					
	TOTAL TRANS. OTHER GOVTS.:	587,046.07-	1,331,326.61-	587,046.07-	1,331,326.61-
COLLECTIONS - OTHER GOVTS					
	TOTAL COLLECTIONS - OTHER:	346,753.08-	346,746.07-	346,753.08-	346,746.07-
	TOTAL REVENUE:	1,469,621.11-	2,205,889.45-	1,469,621.11-	2,205,889.45-

For All Revenue, Expense Accounts
Zero Balance Accounts NOT Included

Transactions Entered From 01/01/2019
To 31/12/2019

Account	Description	Period Actual	Period Budget	YTD Actual	YTD Budget
EXPENDITURES					
LEGISLATIVE SERVICES					
	LEGISLATIVE SERVICES:	28,506.15	34,874.48	28,506.15	34,874.48
GENERAL ADMINISTRATION					
	TOTAL GENERAL ADMINIST.:	170,132.71	256,817.80	170,132.71	256,817.80
OTHER GOVERNMENT SERVICES					
	TOTAL GOVERNMENT SERVICES:	46,854.77	55,100.00	46,854.77	55,100.00
PROTECTIVE SERVICES					
	TOTAL PROTECTIVE SERVICES:	94,067.76	123,987.73	94,067.76	123,987.73
OTHER PROTECTIVE SERVICES					
	TOTAL OTHER PROTECTIVE SERVICES:	18,879.49	19,221.80	18,879.49	19,221.80
TRANSPORTATION SERVICES					
	TOTAL TRANSPORTATION SER.:	194,399.39	280,004.19	194,399.39	280,004.19
ENVIRONMENT HEALTH SERVIC					
	ENVIRONMENTAL HEALTH SERV:	47,484.57	68,104.50	47,484.57	68,104.50
ENVIRON. DEV. SERVICES					
	TOTAL ENVIRON. DEV. SERV.:	14,731.43	61,804.50	14,731.43	61,804.50
REC. & CULTURAL SERVICES					
	REC. & CULTURAL SERVICES:	132,507.06	521,786.03	132,507.06	521,786.03
NIMC					
	TOTAL NIMC:	75,145.04	104,435.50	75,145.04	104,435.50
FISCAL SERVICES					
	TOTAL FISCAL SERVICES:	11,240.79	202,743.00	11,240.79	202,743.00
TRANSFERS TO OTHER GOVERNMENT					
	TOTAL TRANSFERS OTHER GOVERNMENT:	232,011.16	477,009.92	232,011.16	477,009.92
	TOTAL EXPENDITURES:	1,065,960.32	2,205,889.45	1,065,960.32	2,205,889.45
	TOTAL GENERAL FUND:	403,660.79-	0.00	403,660.79-	0.00

For All Revenue, Expense Accounts
Zero Balance Accounts NOT Included

Transactions Entered From 01/01/2019
To 31/12/2019

Account	Description	Period Actual	Period Budget	YTD Actual	YTD Budget
WATER REVENUE/EXPENDITURE					
WATER REVENUE					
	TOTAL REVENUE:	176,139.59-	418,142.00-	176,139.59-	418,142.00-
WATER EXPENDITURE					
	TOTAL WATER EXPENDITURES:	61,437.96	418,142.00	61,437.96	418,142.00
	CLEAR TOTAL 3:	114,701.63-	0.00	114,701.63-	0.00
	BALANCING TOTALS:	518,362.42-	0.00	518,362.42-	0.00
	REPORT TOTALS:	518,362.42-	0.00	518,362.42-	0.00

*** End of Report ***



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Recreation Commission 6 OPEN MEETING MINUTES

6:00 PM

Thursday, April 18, 2019

Lucerne School, New Denver

COMMISSION MEMBERS

Commissioner Johnson

Commissioner McKeil

Commissioner Sumrall

Commissioner Fyke

Commissioner Wagner

Commissioner Hellyer

Commissioner Gordon

Commissioner Hicks

Commissioner Barkowsky

MEMBERS ABSENT

Commissioner Main

Commissioner Shandro

Commissioner Wictorin

Commissioner Moss

Commissioner Yofonoff

Commissioner Wood

Commissioner Graves

Director Popoff

STAFF

Paula Shandro Recreation Commission 6 Secretary

COMMUNITY

Jessica Rayner

1. CALL TO ORDER:

Chair, Commissioner McKeil, called the meeting to order at 6:02 PM

2. ADOPTION OF AGENDA

MOVED by: Commissioner Sumrall and seconded,
AND Resolved:

The Agenda for the April 18, 2019 Recreation Commission 6 meeting, be adopted as circulated.
(Carried)

3. RECEIPT OF MINUTES

The March 5, 2019 Recreation Commission 6 minutes, have been received.



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Recreation Commission #6 OPEN MEETING AGENDA

6:45 p.m.

Thursday, August 29, 2019

RDCK Fitness Centre, New Denver

COMMISSION MEMBERS

Alt. Director Fyke, New Denver

Director Main, Silverton

Director Popoff, Area H

Commissioner Wagner, New Denver Council

Commissioner Gordon, Silverton Council

Commissioner Barkowsky, New Denver

Commissioner Johnson, Area H (Co-Chair)

Commissioner Sumrall, Lucerne School

MEMBERS ABSENT

Director Moss, New Denver

Alt. Director Clarke, Silverton

Alt. Director Verigin, Area H

Alt. Commissioner Yofonoff, Silverton Council

Alt. Commissioner Wood, Silverton

Commissioner Shandro, Silverton

Commissioner McKeil, Area H (Co-Chair)

Alt. Commissioner Hellyer, Area H

Alt. Commissioner Hicks, Area H

Alt. Commissioner Graves, Lucerne School

Commissioner Wictorin, Lucerne Student

Alt. Commissioner Nemiroff, Lucerne Student

STAFF

Joe Chirico

General Manager of Community Services

Jessica Rayner

Rec Commission 6 Secretary

1. CALL TO ORDER

Chair Richard Johnson called the meeting to order at 6:45 p.m.

2. OLD BUSINESS

5.1 New Denver RDCK Fitness Centre

MOVED and seconded,

AND Resolved:

THAT Manager Chirico be requested to approach Interior Health on behalf of Recreation Commission 6 regarding requested improvements to the New Denver RDCK Fitness Centre gymnasium flooring and lighting.

Carried

3. ADJOURNMENT

MOVED and seconded,

AND Resolved:

The Recreation Commission 6 meeting be adjourned at 6:47 p.m.

Carried

4. STAFF REPORTS

5.1 RDCK New Denver Fitness Centre

- i) The Commission Report dated March 5, 2019 from Paula Shandro, Secretary, re RDCK New Denver Fitness Centre, has been received.

Moved by: Commissioner Sumrall and seconded,
AND Resolved:

The New Denver Fitness Centre Report be accepted as presented. **(Carried)**

5. NEW BUSINESS

5.1 Community Soccer Program

Commissioner Sumrall gave an overview regarding the Community Soccer Program.

5.2 Resignation of Secretary

Paula Shandro let the Commission know her intent to resign as Recreation Commission 6 Secretary.

5.3 Spring Grants

Moved by: Commissioner Barkowsky and seconded,
AND Resolved that it be recommended to the Board:

The following applicants receive Spring Grants in the amounts listed: Slocan Solutions Society (\$1000); Lucerne School PAC (\$300); Valhalla Fine Arts Society (\$800); Slocan Solutions Society (\$300); Slocan Lake Arena Society (\$570); New Denver May Days Committee (\$1000); Dark Water Dragons Society (\$800); Silverton Community Club (\$300)
Carried

6. NEXT MEETING

The next Recreation Commission 6 meeting is scheduled for May 29, 2019 at 6:00 PM.

7. ADJOURNMENT

Moved by: Commissioner Hicks and seconded,
AND Resolved:

The Recreation Commission 6 meeting be adjourned at 7:05 PM.



Name of Organization	Project	Amount Awarded
Slocan Solutions Society	Centennial Park Ball Diamond Facelift	\$1000
Slocan Solutions Society	Convergence Writer's Weekend	\$300
Lucerne School PAC	Good Will Shakespeare Festival 2019	\$300
Valhalla Fine Arts Society	Summer Programs Tuition Bursaries	\$800
Slocan Lake Arena Society	Venue Rental	\$570
New Denver May Days Committee	New Denver May Days	\$1000
Dark Water Dragons Society	2019 Dark Water Dragons Season	\$800
Silverton Community Club	July 1 st Celebrations	\$300
	Total	\$5070

REGIONAL DISTRICT CENTRAL KOOTENAY
ECONOMIC DEVELOPMENT COMMISSION
OF SILVERTON, NEW DENVER, SLOCAN AND AREA H

MINUTES

Of a meeting held Thurs. Oct. 25th at 7:00 pm,
Slocan Village Council Chamber

COMMISSION MEMBERS:

Leah Main- Chair, Director, Silvertown

Ann Bunka, Director, New Denver

Jessica Lunn, Director, Slocan

Walter Popoff, Director, Area H

Nadine Reynolds, New Denver

Barb Fuhrer- Silvertown

Corrie Traenenberg, Slocan –Absent

Will Anderson, Area H- Absent

Leonard Block, Area H

Jonathan Buttle, Area H- Absent

Walter Swetlishoff, Area H

Ron LeBlanc, Economic Development Coordinator

GUESTS:

Stuart Horn, CAO, RDCK

Richard Toperczer, Regional Manager, North Okanagan West (Vernon), Rural
Development, FLNR, Prov. of BC

John Fyke, Healthy Community Society, board member

SECRETARY/TREASURER: Sharon Butler

DRAFT

The meeting was called to order at 7:00 pm

1. AGENDA:

R31/18 MOVED by W. Popoff, Seconded and Resolved to adopt the agenda.

2. MINUTES:

R32/18 MOVED by L. Block, Seconded and Resolved to approve the Minutes
presented for July 26/ 18.

3. FINANCIAL REPORT:

As of September 2018, our YTD Actuals are \$235, 062 with expenses of \$24, 514.
The Secretary provided some explanation of the allocation of expenses, as per the
RDCK accounting dept. It was agreed that changes to the financial plan were not
required at this time, but going forward, the budget would need to be more closely
aligned with those of the RDCK standard practices.

R 33/18 MOVED by J. Lunn, Seconded and Resolved to receive the financial
report.

4. **EXPENSES:**

a) Ratify expenses approved by email: Secretary July- August timesheet: \$450

R 34/ 18 MOVED by W. Popoff, Seconded and Resolved to ratify the expense approved by email.

b) New Invoices for approval:

Secretary: \$200

Secretary Mileage (2018) \$355.80

Valley Voice 1/8 pg ad \$120.75

Collabo Consulting website updates \$42.

R 35/ 18 MOVED by A. Bunka, Seconded and Resolved to approve the expenses as submitted.

5. **RURAL DIVIDEND REGIONAL STRATEGY:**

a) Report from the Chair and Introduction of E. D. Coordinator, Ron LeBlanc:

Leah introduced the new ED Coordinator, Ron LeBlanc, and explained how the hiring is a culmination of the work undertaken by the Commission and we are now in the preliminary stages of implementing of the Slocan Valley Economic Development Plan.

Ron gave an update on the work he has done so far, including getting acquainted at the RDCK and the supports available to him including Richard Toperczer, the Village CAO's and other stakeholders; attending an Economic Development Forum in Cranbrook; attending a Slocan and District Chamber of Commerce meeting and a Waterfront Development Strategy meeting in Slocan. He will be attending the BCEDA Course in Richmond in the next days. He wants to be available to the Community and has met with some local businesses.

Director Popoff requested that a written report be available to the Commission, Ron is to send via the Secretary.

Stuart Horn reported that there will be a new Partnership Memorandum of Understanding as we work towards a new structure and new Terms of Reference for the SVEDC, now being drafted, to be approved by the RDCK board and the Villages. Draft versions will be available to the SVEDC beforehand. Appointee terms that expire in Dec. 2018 can be extended until a new commission is formed. A resolution to the board is required to extend appointments.

The new role of the Commission will become more of a "clearing house" of information from the public, elected officials, sectors and stakeholders. The Secretary will remain, with discussions forthcoming on how to support the work of the new Coordinator.

Regarding decision making, it would depend on the nature i.e. and may involve Village councils if needed, or discussion from the Commission. Otherwise, if the action is specified in the Study Report, then that would be Ron's direction.

Reviewing the work plan is something to consider in 2019, when some of the items have been accomplished.

Richard Toperczer commended the Commission on following through with the fundamental elements undertaken so far and the work ahead determining how "the pieces" will work together. He is hoping we have an opportunity to come together for some Ec. Dev. 101 training in the New Year.

6. COMMUNITY DIRECTED FUNDS:

a) Report from Healthy Community Society- John Fyke

John provided a balance sheet with financial explanation, a breakdown of costs for two projects undertaken: the Pop-up Salad bar and the Sausage and Sauerkraut workshop. The total funds provided via the Community Directed Funds were \$100,000 and the remaining amount is \$23, 754.78. John reported that the Society is interested in purchasing a food truck for sale at \$50,000 and would the SVEDC agree to this expenditure if they could access the remaining funds or should they return the funds. It was agreed that the remaining funds be best used to leverage additional funds rather than continue with “piece meal” projects and that the original intent of the proposed use of the funds as food hub is still being honoured. The SVEDC is required to report on the final use of the funds to CBT.

R 36/ 18 MOVED by W. Popoff, Seconded and Resolved that the Healthy Community Society provide a report on a food truck or other community food project with an overview, business outline/ plan and a final report on the dispersal of CD funds by no later than Oct. 31, 2019.

7. COMMUNITY INVESTMENT CO-OP:

The Executive Summary from the Co-op was presented, although Commissioner Buttle was unavailable to report at the meeting.

R37/ 18 MOVED by W. Popoff, Seconded and Resolved to request a written report from Commissioner Buttle on the Community Investment Co-op initiative.

8. BUSINESS RETENTION AND EXPANSION:

The Secretary reported that the Export Navigator program provided an free BC wide webinar for interested individuals. An ad was placed in the Valley Voice in support of Small Business week. Businesses in Winlaw are interested in meeting for networking and business knowledge.

9. BC ECONOMIC DEVELOPMENT SUMMIT:

Commissioner Block's report was circulated. In addition, he commented on meeting a representative from Network BC, who was very interested in seeing better connectivity in the Slocan Valley. Discussion around this topic expanded to include Leah reporting that Canadian Federation of Municipalities is currently advocating for funds and policy around rural broadband. Richard Toperczer commented on discussions underway between the Province and local telecoms around improving connectivity in the Slocan Valley.

10. NEXT SCHEDULED MEETING: At the call of the Chair, potentially in 6-8 weeks, with a review of the draft 2019 budget.

11. PUBLIC AND PRESS QUESTION PERIOD: n/ a

MEETING ADJOURNED 8:16 pm

Next Meeting: TBC



REGIONAL DISTRICT OF CENTRAL KOOTENAY

**Rosebery Parklands and Trails Commission
OPEN MEETING AGENDA**

6:00pm

Thursday, November 21, 2019

Knox Hall, New Denver

- 1. CALL TO ORDER**
- 2. ADOPTION OF AGENDA**
- 3. RECEIPT OF MINUTES**
- 4. DELEGATION**

No delegation has been scheduled for the Nov 21, 2019 meeting.

5. STAFF REPORTS

5.1 Boardwalk Replacement Project – Update

5.2 Financial Reports

6. NEW BUSINESS

6.1 2020 Budget Review

6.2 Correspondence – Trail between Silverton and New Denver

6.3 Commission Appointments

OH Report from ROCK staff G.M.

7. PUBLIC TIME

8. 2020 MEETINGS

9. ADJOURNMENT



The Corporation of the Village of New Denver

P.O. Box 40, New Denver, BC V0G 1S0 • office@newdenver.ca

PHONE (250) 358-2316 • FAX (250) 358-7251

TO: Mayor and Council
FROM: Acting CAO
SUBJECT: Bosun Hall Building Permit Application
DATE: December 5, 2019

OPTIONS:

- 1. Apply for a Building Permit for Bosun Hall**
2. Do not apply for a Building Permit for Bosun Hall

RECOMMENDATION: That the Village of New Denver apply for a Building Permit to remove the east wall of the Bosun Hall kitchen.

BACKGROUND: LACE, the group that manages the Bosun Hall on behalf of the Village, has secured funds to replace the kitchen stove. The stove is wider than kitchen door opening so order to remove the old stove and install the new stove, the east wall of the kitchen needs to be modified.

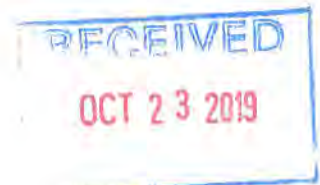
ANALYSIS: The wall is not believed to be a load-bearing wall, but the changes are structural in nature so a Building Permit is required. Materials analysis has confirmed that there is no asbestos present in the wall.

LEGISLATIVE FRAMEWORK: Building Bylaw No. 595 and amendments thereto

STRATEGIC PRIORITY: Nil

COMMUNICATION STRATEGY: Nil

FINANCIAL IMPLICATIONS: The cost of a Building Permit is estimated at under \$200 and will be borne by the Village. The actual cost of the work has yet to be determined. The Village budgeted \$5,000 for the Bosun Hall in 2019. So far, over \$6,000 has been spent, however there are other line items in the Rec & Culture section that are under budget so some additional funds are available this year. Staff recommends deferring the request for a grant-in-aid for the purchase of a range hood until 2020, and considering the needs of the Bosun Hall during budget deliberations so that adequate funds can be budgeted.



Lucerne Association for Community Education

New Denver BC
VOG 150

Village of New Denver
PO Box 40,
New Denver, BC
VOG 150

October 23, 2019

Dear Mayor and Council Members:

We are pleased to announce that we have successfully received the grant to help purchase a new stove for the Bosun Hall. It can now be ordered, and installed in the kitchen of the hall once it arrives.

We are thinking that some renovation work will need to be done at the hall in order to remove the existing stove and install the new stove, and request permission for this. We have contracted Wired by Alex to do the electrical work on the installation.

To assist with the smooth operation of the new stove once it is installed, we would like to request a grant in aid to help with the purchase of a range hood for the new stove.

We are also happy to announce that the new floor has been installed in the hall, and it looks great.

Thank you.

Lora Lee Brekke
President
LACE



The Corporation of the Village of New Denver

P.O. Box 40, New Denver, BC V0G 1S0 • office@newdenver.ca

PHONE (250) 358-2316 • FAX (250) 358-7251

TO: Mayor and Council
FROM: Corporate Officer
SUBJECT: 2020 Financial Service Appointments
DATE: December 6, 2019

Appointment of Auditor

RECOMMENDATION:

That Grant Thornton be appointed as the Village of New Denver's auditors for the 2020 fiscal year.

Appointment of Banking Institution

RECOMMENDATION:

That Kootenay Savings Credit Union be appointed as the Grant Thornton Village of New Denver's banking institution for the 2020 fiscal year.

BACKGROUND:

The Village of New Denver has used the services provided by Grant Thornton and Kootenay Savings Credit Union for many years. Staff does not recommend any changes at this time.



The Corporation of the Village of New Denver

P.O. Box 40, New Denver, BC V0G 1S0 • office@newdenver.ca

PHONE (250) 358-2316 • FAX (250) 358-7251

TO: Mayor and Council
FROM: Acting CAO
SUBJECT: 2019 Holiday Hours
DATE: December 5, 2019

OPTIONS:

1. **Cancel the December 24, 2019 Council Meeting**
2. Do not cancel the December 24, 2019 Council Meeting
3. **Give staff one paid day off over the holidays**
4. Do not give staff one paid day off over the holidays

RECOMMENDATION: That the Regular Meeting of Council scheduled for December 24, 2019 be cancelled;

and further,

that all staff be given one day off with pay, to be taken between Christmas and New Year's Day.

BACKGROUND: The second Council meeting in December is typically cancelled as it falls during the Christmas holidays.

The Village Office would be closed from Wednesday, December 25, 2019 to Sunday, December 29, 2019. Public Works staff may work during the closed period if snow plowing is needed, and they will be permitted to bank their paid day off if the weather requires them to work.

Garbage collection will be unaffected by the holiday schedule this year. Residential will take place on Tuesday, December 24, 2019 as regularly scheduled. Commercial garbage will take place on Friday, December 27, 2019.

ANALYSIS: Typically, all municipal staff are given a paid day off on during the week between Christmas and New Year's Day. This year, staff recommends doing the same - providing all employees one day off with pay during the week between Christmas and New Year's Day. The proposed expenditures have been included in the Village's Five-Year Financial Plan Bylaw.

LEGISLATIVE FRAMEWORK: Nil

STRATEGIC PRIORITY: Nil

COMMUNICATION STRATEGY: The information will be advertised in the December 19th edition of the Valley Voice and will be posted on the Village's website and on the bulletin board at the Village Office.

FINANCIAL IMPLICATIONS: Costs of providing one day off with pay for all staff is estimated at approximately \$1300. This falls within the funds budgeted for wages in the Village's current Five-Year Financial Plan bylaw.



The Corporation of the Village of New Denver

P.O. Box 40, New Denver, BC V0G 1S0 • office@newdenver.ca

PHONE (250) 358-2316 • FAX (250) 358-7251

TO: Mayor and Council
FROM: Corporate Officer
SUBJECT: 2020 Acting Mayor Appointments
DATE: December 6, 2019

RECOMMENDATION:

That the Acting Mayor be appointed as follows for the 2020 calendar year:

January 1 – March 31, 2020	Councillor John Fyke
April 1 – June 30, 2020	Councillor Vern Gustafson
July 1 – September 30, 2020	Councillor Colin Moss
October 1 – December 31, 2020	Councillor Gerald Wagner

BACKGROUND:

The proposed schedule for the appointment of an acting mayor is identical to the 2019 schedule.