

DEWDNEY AREA IMPROVEMENT DISTRICT

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TRUSTEES BOARD MEETING

Monday September 8, 2014 – 7.00 PM

Hatzic Prairie Community Hall, 10845 Farms Road, Hatzic Prairie

MINUTES

In Attendance:

Doug McNeill (Chair)
Ernest Loewen
Deb McKay
Doug Sinitsin
Brett Vander Wyk

Larry Wiens – project manager
Peter Hanslo – administrator and finance officer
Bruce Edwards – engineering consultant
Ron Beck – dike manager

Absent:

Gus Derewenko (family illness)
Craig Brooks
Steve Dimond (out of province)
Peter Schalkx
Darrell McDonald

**Ratepayers in
attendance:**

17

Call to Order:

Chair 7.15 pm.

Motion:

To adopt September 8, 2014 meeting agenda.
P.Schalkx/E.Loewen. Vote: unanimous.

Motion:

Due to time constraints to table adoption of June 2, 2014 minutes to next board meeting. D.McKay/E.Loewen. Vote: unanimous.

Motion:

Due to time constraints to table adoption of July 14, 2014 minutes to next board meeting. D.McKay/E.Loewen. Vote: unanimous.

Motion:

Due to time constraints to table adoption of August 25, 2014 in-camera minutes to next board meeting. D.McKay/E.Loewen. Vote: unanimous.

Dewdney Nature Regional Park

As a follow-up to DAID's meeting with FVRD representatives on June 25, 2014 (reported in July 14, 2014 minutes), FVRD's Christina Vugteveen, Helen Roberts and David Urban attended this meeting and reported as follows on their presentation:

Dewdney Nature Regional Park September 08, 2014 Stakeholder Visioning Session NOTES

PURPOSE of Session: to work together as valued partners to determine a clear vision for Dewdney Nature Regional Park

AGENDA: Highlights, strengths, possibilities and what may get in the way

HIGHLIGHTS: Experiences at Dewdney

- Waterskiing with the family
- Relatively unknown
- Fishing
- Kayaking
- mosquito study
- Beautiful
- Slough has slow current and is clean
- Best/safest place to get in the river

Concerns/Issues

- Needs a proper dock (quicker launch, proper access)
 - Be aware off water movement
- Traffic calm
- Daily management of site

POSSIBILITIES: (top 5 are in bold)

- **New washroom**
- **Dock for launching boats**
- **Garbage management (including access points)**
- **Mosquito Management**
- **Road access improved before any parking would be expanded**

- Name change to "Dewdney Regional Boat Launch"
- Grass/picnic area
- Beach
- Parking
- Access for clubs
- Host games (ie 1954 event)
- Clear some vegetation
- Addressing in/out for congestion
- Trail expansion
- Walkway along water (i.e. seawall)
- Widen road
- Farm traffic vs. boat traffic
- Signage on road

Other items for consideration:

- Neighbourhood consult is critical
- Mosquito control is a larger issue than just the park

Next Steps:

- FVRD Budget 2015 planning to include some requests for park improvement in partnership with Experience the Fraser
- FVRD to complete visioning exercise with other park stakeholder and draft a park vision statement for consideration by DAID to be the focus for the park management plan (November 2014)
- FVRD to create a comprehensive park management plan in 2015
- DAID to consider a name change of the park to Dewdney Regional Boat Launch

End of FVRD notes.

REPORTS

Dike and pump station maintenance report: Ron Beck

Administration and finance report: P. Hanslo

Project management report: L. Wiens

Refer appendix 1.

Refer appendix 1.

Refer appendix 2.

CURRENT BUSINESS**A review of recent operations of the new flood box gates and Hatzic Lake level control procedures.**

L. Wiens

Mr. Wiens comments included in his project manager report (appendix 2).

Appeal: von Einsiedel vs DAID et al

P. Hanslo

In his September 7, 2014 email James Goulden, DAID's legal counsel, advised that he had just recently received the original Court of Appeal Order signed by Mr. von Einsiedel. Mr. Goulden further advised that he would immediately send that document for entry with the Court of Appeal and provide DAID with a copy when received back from the Court, within the next few weeks. Counsel also wrote that DAID has no obligation to post the decision of Mr. Justice Groberman. For information purposes the "Order of a Justice" reads as follows:

"IT IS ORDERED that the appellant's application to remove his appeal from the inactive list is dismissed." That document in its original form requires the signatures of (1) the Justice of the Court of Appeal (2) the appellant Mr. von Einsiedel and (3) counsel for DAID.

Mr. von Einsiedel addressed an email to counsel on September 2, 2014 (copies circulated to all trustees and attached to these minutes). Referring to this email counsel wrote: "I will be closing my file unless you wish me to respond to Mr. von Einsiedel's last email. The board unanimously agreed that Mr. Hanslo instruct counsel not to respond to the appellant's September 2 email, and to close his file.

Trustee Steve Dimond commented (September 2, 2014 email) as follows in reference to Mr. von Einsiedel's September 2 email: As we are not privy to his (Mr. Goulden's) in-court discussions, you may ask the board if it is worthy to request a discussion note from Mr. Goulden on his "assertion during the recent proceeding that the improvement district is exempt from the provisions of the *Local Government Act* relating to landowner approval requirements for service area expenditures." Mr. Dimond added: "That would likely have some consideration in how DAID committee may respond to the issues at hand." In his response of September 10, 2014 Mr. Goulden wrote: "It was my recollection from the hearing, and my notes from the hearing on this issue are somewhat sparse, that I indicated to the court, during the hearing, that certain local area service provisions from the *Community Charter* that were raised by Mr. von Einsiedel in his submissions for the first time, were either not relevant to the appeal, or were mis-referenced by Mr. von Einsiedel. "

Review of district's goods and services purchase systems.

P. Hanslo.

Mr. Hanslo proposed, as an alternative to introducing a new goods and services purchases system, that DAID continue with current arrangements subject to any future disputes with respect to payment of invoices be settled by a DAID standing committee represented by the two DAID cheque signatories (presently trustees Deb McKay and Brett Vander Wyk) plus the Daid Chair (currently trustee Douglas McNeill).

Motion: Proposed: E.Loewen.

Seconded: D. Sinitsin.

Passed: Unanimously.

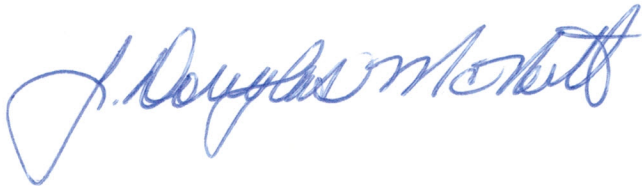
Ratepayers' question period

All questions raised by district property owners during the course of the evening's meeting, were responded to by DAID board members and staff.

Set date, time and location of next board meeting.

Next board meeting scheduled for Wednesday October 22, 2014 starting 7.00 pm held at the Hatzic Prairie Community Hall, 10845 Farms Road, Hatzic Prairie. B.C.

Meeting adjourned: 10.02 pm

A handwritten signature in blue ink, appearing to read "J. Douglas McNeil". The signature is fluid and cursive, with the first name "J." and last name "McNeil" clearly distinguishable.

APPENDIX 1

Dike maintenance manager report: R. Beck

- Assisted trustee Loewen and operations manager, Larry Wiens, with Hatzic Lake draining operations on September 3. Gate #4 pulled to allow water running out and back into lake (tidal) as planned;
- Continue with twice-a-day visits to pumphouse for maintenance purposes;
- Scheduling for fall season mowing of the dike – towards end September to mid-October.

End of report.

Administration and finance officer report: P. Hanslo

- DAID financial statements for period January 1, 2014 to July 31, 2014 circulated to trustees August 11, 2014;
- Intake 2013 July report – Hatzic Slough sediment management project – submitted to EMBC on schedule. August up-date report due September 15, 2014;
- Diking taxes collected to-date: \$126,427. Outstandings: \$192,442; Inflow slower than 2013.
- Submitted proposals for the introduction of a new goods and services purchase system;
- Thanks extended to Brenda Koop for her ongoing volunteer work to have DAID's meeting notices posted on community notice boards.

End of report.

APPENDIX 2

Project manager report: L. Wiens

- All through to Labour Day (September 1) Hatzic Lake maintained at height levels satisfactory to lakeside residents (audience applause);
- Dike maintenance manager recording lake levels twice daily;
- Successful lake draining operations started Wednesday September 3; gate #4 pulled out.
- Valuable experience and information gained by DAID dike management staff from proceedings;
- As of today water running out, and into (tides) lake as planned;
- With reference to Intake 2013 Gary Letts is on schedule to have the environmental assessment completed by November 15, 2014;
- Hydrology study now 75% completed. Sand/silt particle size analysis is ongoing;
- On August 26, Bruce Edwards conducted a partial survey of Lagace, Chilqua Slough and Hatzic Lake to map submerged and emergent "Flowering Rush" – an extremely aggressive and invasive plant species which presents a threat for taking over and choking Hatzic Lake and surrounding sloughs. Mr. Edwards is working with biologists to provide more information with a view to finding a solution to this problem;
- Four district property owners have now signed agreements with DAID to allow construction of sand recovery stations (SRS's) on their respective properties;
- DAID provided EMBC with a new spending plan on August 15, 2014;
- Proposed construction start date for the 12 SRS's is February 1, 2015 with completion by March 31, 2015;
- Construction will likely be done by a combination of day labour and construction bids as the locations dictate.

End of report

Shaw Webmail 2.0

peterhanslo@shaw.ca

RE: DAID - von Einsiedel - Signing Order - Oral Reasons

From : Carl von Einsiedel <ramexplorations@shaw.ca>

Tue, Sep 02, 2014 11:29 AM

Subject : RE: DAID - von Einsiedel - Signing Order - Oral Reasons

2 attachments

To : 'Brian Alan Mason' <masonbrianalan98@gmail.com>, James' 'Goulden' <jhg@bht.com>**Cc :** 'PETER HANSLO' <peterhanslo@shaw.ca>, lbogstie@telus.net, June CSCD 'Hicklin:EX' <June.Hicklin@gov.bc.ca>

James Goulden (Counsel for the Dewdney Area Improvement District – DAID)

Thank you for providing the oral reasons for judgement. I have now reviewed both the transcript of the recent Court of Appeal proceeding and the oral reasons for judgement.

Your statement that Mr. Justice Groberman's other comments do not change the terms of the Order are technically correct however, they clearly contradict the DAID Board's position that my original Petition is without merit.

In paragraph 5 Mr. Justice Groberman acknowledges that the Letters Patent provide for trustees to be elected from three zones and his following statement explains the underlying reason why this case should not be dismissed. 'As the Improvement District interprets the Letters patent, **RATHER THAN HAVING THE ELECTORS FROM EACH ZONE VOTE FOR REPRESENTATIVE TRUSTEES FROM THEIR ZONE**, the elections are at large with all voters in the improvement district voting for the trustees from each zone.'

The DAID Board is fully aware of the fact that the fractional ownership properties (Everglades) currently have overwhelming voting control within the improvement district and that this election process is clearly not consistent with principles of fairness intended by improvement district legislation and CSCD Ministry policy.

Mr. Justice Groberman also states in paragraph 6 that he is not prepared to say that my argument is without merit and that any arguable case ought to be brought as a direct challenge to the Letters Patent or to the election process.

✓ I also believe that your assertion during the recent proceeding that the improvement district is exempt from the provisions of the Local Government Act relating to landowner approval requirements for service area expenditures (i.e. approval by 51% of landowners representing a minimum of 51% of assessed land value) is incorrect. The fact that overwhelming voting control within the improvement district is exercised by fractional owners (Everglades) representing less than 10% of the assessed land values within the improvement district is clearly not consistent with the applicable provisions of the Local Government Act as they relate to landowner expenditure approvals in service areas. According to the CSCD Ministry publications Improvement districts are focused on providing local services such as dyking rather than general governance or land use planning. Applicable legislation governing service area expenditures requires approval by a majority of land owners representing at least 51% of the assessed land values within the service area.

Any reasonable person who reads Mr. Justice Groberman's comments will certainly question the motives behind the DAID Boards continuing refusal to consider the fairness implications of the improvement districts current election process.

I have attached the signed Order but I expect the DAID Board to publish Mr. Justice Groberman's comment and address the fact that current election procedures and expenditure approval processes are not consistent with CSCD Ministry policy.

Carl von Einsiedel

FLOWERING RUSH (*BUTOMUS UMBELLATUS*)

BC PROHIBITED SPECIES ALERT



PRIMARY THREAT: *Impedes use of recreational, irrigation, and industrial shallow waters.*

NATIVE RANGE: Temperate and subtropical Eurasia; northern Africa.

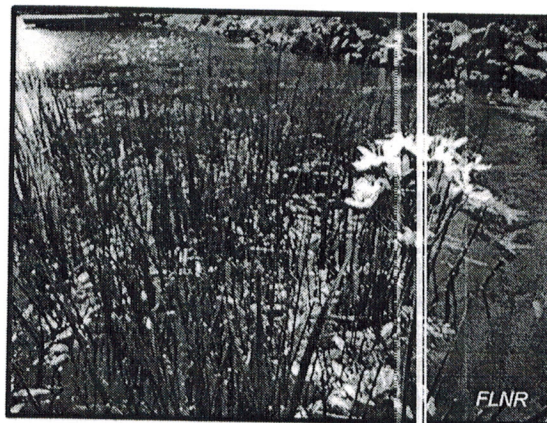
DESCRIPTION: Perennial, aquatic macrophyte with emerged and fully submerged forms growing up to 150 cm in height. The fleshy, winter-hardy rhizome is attached to the substrate. **Leaves are distinctly triangular in cross-section**, all basal, linear and sword-shaped (0.5-1.0 cm wide); sheathing at the base and twisting at the tip. The less obvious (more common) submerged form has limp, narrow leaves and does not flower. The more obvious emergent form has erect, leaves and solitary, cylindrical stems crowned with pink, umbrella-like clusters (umbels) of 20 to 50 flowers. Each flower consists of 3 petal-like sepals that appear from June to August. The senesced leaves on the emergent form collapse to the water bottom in the fall, unlike cattail and bulrush which remain erect through the winter.

IMPACT: Dense stands interfere with irrigation, reduce water quality and availability, interfere with boat propellers and water recreations, alter valuable fish and wildlife habitat and displace native aquatic and riparian species. Treatment methods are extremely limited, once established, populations increase and persist indefinitely.

BIOLOGY AND SPREAD: Reproduces both asexually by rhizomes and bulblets (triploid form) and sexually through seed production (diploid form). Moving water is the primary mechanism for local dispersal. Nursery sale is the main pathway for long distance spread. In addition to rhizomes, bulblets detach from the rhizome and the base of the flower stalk and produce new plants by quickly germinating on the soil or water surface.

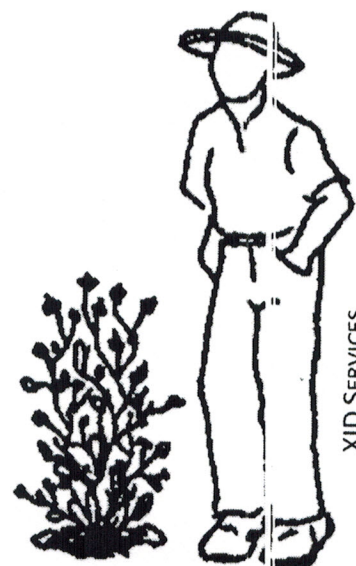
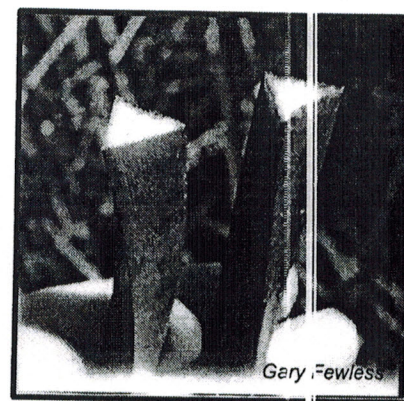


UMBELS OF 20-50 FLOWERS
(LEFT)



EMERGENT RUSH (ABOVE)

TRIANGULAR LEAF CROSS-SECTION (BELOW)



Report-A-Weed: www.reportaweedbc.ca or call 1-888-WEEDSBC
For more info: www.for.gov.bc.ca/hra/invasive-species/prohibited.htm

Revised July 2014

B.C. Ministry of Forests, Lands & Natural Resource Operations

FLOWERING RUSH (*BUTOMUS UMBELLATUS*)

B.C. PROHIBITED WEED ALERT

FLOWERING RUSH (*BUTOMUS UMBELLATUS*) BC PROHIBITED SPECIES ALERT



REPORT PROHIBITED WEEDS



Report-A-Weed: www.reportaweedbc.ca

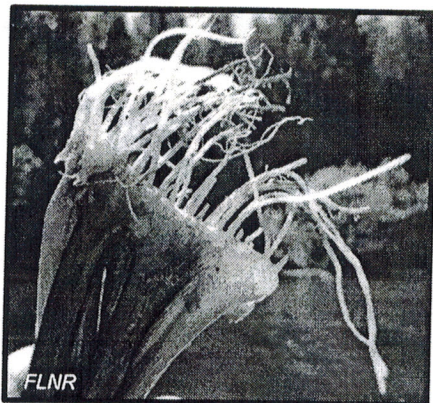
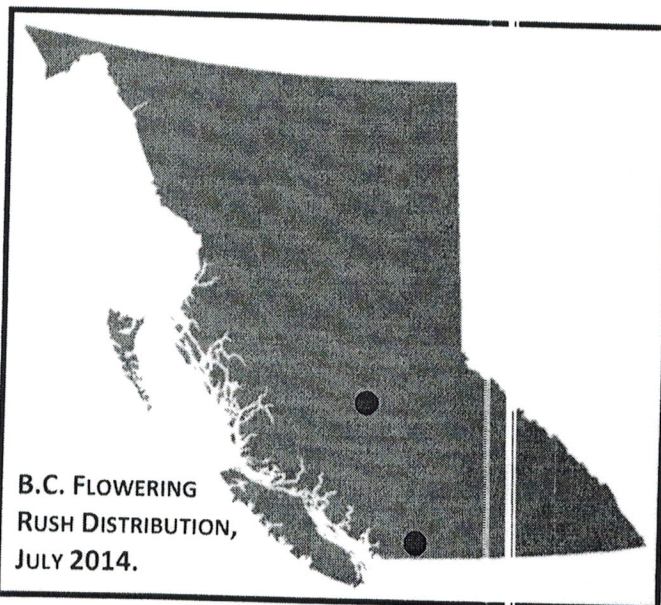


1-888-WEEDSBC

HABITAT: Prefers slow-moving, fresh water ecosystems such as, irrigation channels, streams, lake margins, riparian corridors, wetlands and storm water retention ponds. Establishes readily in areas with fluctuating water levels, typically unfavorable to native species.

DISTRIBUTION:

Confirmed sites in BC are limited to two water bodies in the regions of the Fraser Valley and Cariboo.



RHIZOMES THICK WITH BULBOUS NODES (LEFT)

SUBMERGED, NON-FLOWERING RUSH (RIGHT)



PREVENTATIVE MEASURES:

- REPORT sightings
- SELECT non-invasive plants for your water garden



FLOWER (BELOW)

LOOK-ALIKES: Bur-reed (*Sparganium* spp.), native sedges, bulrushes, and true rushes (when not in flower).

** Flowering rush is the only species in the Butomaceae family. Two key identification features are the distinct triangular cross-section of the leaves and rhizomes that are thick with bulbous nodes.**

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Revised July 2014