

Union Bay Improvement District March 2011 Landowners' Update

The Union Bay Improvement District has been active since 1960 and provides three services to the landowners within the area boundaries – water, fire protection and street lighting. Its powers of jurisdiction and responsibilities are legislated by the Provincial Government in the form of Letters Patent and Part 23 of the Local Government Act. It is an autonomous governing body in which trustees are elected by the landowners to carry out these powers.

Upon being elected at the UBID Annual General Meeting, each trustee is required to sign an Oath of Office and confidentiality. This allows the UBID Board to engage in negotiations with potential developers, deal with legal and personnel matters, and deal with other important matters with strict confidentiality. The two TAG supported trustees, Cleve Goldswain and Bruce Livesey, elected to the Board last year, claim they were elected to provide complete transparency of Board decisions and matters to the general public. The release of confidential information and public statements made by the two trustees were reviewed by the UBID's legal counsel. In his summary, Michael Hargraves of Staples McDannold Stewart states: *"There does appear to be an arguable case that the two Trustees are liable for breach of trust, breach of fiduciary duty, and breach of confidence. However, there do not appear to be any meaningful legal remedies available."* Unfortunately the implications of these actions could have huge impacts on the sustainability of Union Bay, notwithstanding potential liability issues. The provincial ministry has chosen not to intervene in these matters and feels that resolution will come from a vote of the landowners.

Since 2007, Mary Reynolds, a Union Bay landowner, has engaged in a political crusade against the UBID Board, Administrator and staff, posting malicious and slanderous attacks against them and past Trustees through her blog site and the display of signs posted publicly in her vehicle. A legal opinion was sought and resulted in the UBID Board and plaintiffs taking legal action, seeking an injunction against her. As a result Ms. Reynolds signed a Consent Order to dismantle her blog site and discontinue her personal attacks against present and past Trustees, the Administrator and staff of the UBID.

At the time, the Consent Order was expected to be the most cost effective legal means to deal with this situation. However, Ms. Reynolds has since contravened the order requiring further legal action being taken, in order to respect the integrity of the UBID and the community as a whole; although unfortunately adding further legal expenses to the UBID. These legal matters are ongoing and will hopefully be resolved in the near future.

Union Bay Improvement District may only supply services to lands within its boundaries as set out in the Letters Patent. A recent order in council has expanded our Improvement District boundaries to include all of the KIP lands. The Kensington legal team continues to work progressively towards an agreement for water treatment infrastructure which will benefit all of Union Bay. Once this agreement is finalized an agreement can then be negotiated and benchmarks set to facilitate an agreement between the Comox Valley Regional District and the Union Bay Improvement District. There are several steps yet to be taken before a final agreement between KIP and UBID can be presented to the Union Bay Improvement District Board of Trustees for consideration.

The operation of the UBID departments continues to provide safe and reliable services to our landowners. Despite accusations by some landowners, both in local newspapers and on-line, the UBID has a Capital Plan for both Water Infrastructure and Fire Rescue Services. A 20-year Plan for Water Infrastructure was established in 2003 along with an on-going 5-year Capital Plan for Fire Rescue Services.

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Recent public allegations that Union Bay water is "disgusting" are unfounded. Union Bay's water source is from Langley Lake, located on the west side of the Inland Island highway. The lake is approximately 30 acres in size and is owned by the UBID. There is an earthen dam which requires ongoing maintenance and monitoring, and a chlorination treatment system that is monitored 24/7. The control and operation of the water system is conducted by qualified, certified waterworks operators and the water system is classified by the Environment Operators Certified Program. Although we regularly issue Boil Water Advisories when reservoirs or line cleaning is taking place, Union Bay has not had a Boil Water Order for well over ten years.

The Vancouver Island Health Authority (VIHA) specifies certain levels of water quality and procedures that must be followed for the safe purveying of potable drinking water. Water testing is conducted on a weekly basis to check for bacteria. Regulations and requirements of the standards for purveying water have been greatly impacted by new legislations under the Safe Drinking Water Protection Act. This does impact on the cost of operating a water system and it is a user pay system through water tolls and parcel taxes. There are limited other funding sources available to improvement districts for upgrading and improving a water system.

The Nelson Loop Project has been completed and was put into service on Friday, February 11th. This project came in on budget and on time and now joins the Nelson Road waterline to the waterline on the South Island Highway. This completes the Nelson Loop Project that was initiated in 2001 to increase the water flow in the district for fire protection and supply. There are now two lines that run under the railway tracks to allow for better flow and maintenance of the system.

Fire Protection is provided by the services of the Union Bay Volunteer Fire Fighters Association – operating as the Union Bay Fire Rescue Service. Funding for this service is provided through Rural Property Taxes. Fire Rescue personnel are trained to a standard that will provide qualified assistance to the community in regards to fire protection, first responder, vehicle extrication and motor vehicle events. We are very proud of the dedicated men and women of our fire department and will continue to support on-going training in order to provide the best service to the community including first responder response for all levels of calls. An open house will be held April 17, 2011 11 a.m. – 3 p.m. to enable you to view the fire hall, the fire apparatus and meet with the people who provide the fire rescue services to your community.

Under the leadership of our new Fire Chief, Mark Jackson, Union Bay has recently purchased updated SCBA breathing apparatus from the Courtenay Fire Department, and a fire truck from the Comox Fire Department. Both of these acquisitions provided much-needed equipment at considerable savings to Union Bay landowners.

The UBID auditors continue to finalize the financial reports for the Annual General Meeting on April 30th. The process this year has been very time consuming and more costly than in previous years due to changes in regulated reporting procedures. This will be explained in further detail at the AGM. We encourage all landowners to attend the annual meeting and take an active interest in your community. Persons interested in becoming a trustee must meet the same requirements as persons who are entitled to vote. There are two 3-year term positions to be filled. Information on trustee's responsibilities is available on the UBID website: www.union-bay.ca under the 'Trustee Handbook' link on the home page. Information is also available at UBID office 5539 S. Island Hwy. Nomination forms are available for pick-up during office hours, but must be returned to the office by 4 PM on Friday, April 15th, 2011.

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Union Bay Fire Rescue Services

OPEN HOUSE

Sunday April 17, 2011
11 AM to 3 PM

An opportunity for landowners to view
the fire hall and fire apparatus
and to meet the firefighters.

UNION BAY IMPROVEMENT
DISTRICT

**ANNUAL GENERAL
MEETING**

SATURDAY, APRIL 30, 2011
AT THE UNION BAY COMMUNITY HALL

Reports on 2010 operations and financial statements,
Budget for 2011 and the election of Two Trustees

Doors open at 1:30 pm - meeting starts at
2 pm.

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Alan deJersey, Chair of the UBID

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Although I have been Chief for only 3 months and have identified many areas of this department that need addressing, my biggest concern is not the department but the apparent public perception of what a Fire Rescue Service involves. It is foremost a Life Safety Service for its citizens. This involves Fire Suppression/Rescue, First Responder and Motor Vehicle Incident mitigation. As well, it provides its community with an organized pool of manpower in a disaster. By its very nature, it is a service that does not provide income. The level of service and amount of built in redundancy (safety) is wholly up to the citizens through their elected representatives to decide. My main job is to provide the level of service required of me in a safe, cost effective and professional manner. This by its very nature has to include modern, certified Apparatus, Equipment, Personal Protective Equipment and the latest training standards mandated by law. This is solely for the protection of the Fire Fighters and the citizens requiring assistance.

By applying due diligence to all facets of the department, it will save expensive litigation and any awards handed down as a result of civil or criminal litigation. British Columbia Fire Departments are either Professional, Paid on Call, or Volunteer. The biggest difference is the level of compensation. Seventy per cent of BC is covered by Volunteer Departments. Almost all are compensated directly, paid on call, or by honorarium. Extremely few receive no compensation at all, and they are mostly in unincorporated areas. No two departments are the same and as such should never be compared to each other because the level of service, standards, size, redundancy etc offer too many variables to be of any use in a comparison study. The level of service provided should be the only measuring stick so to speak as to the level of support required by any department.

Any Fire Service, on behalf of its community, that puts its Fire Fighters in harm's way has a legal and moral obligation to provide the Fire Fighters the support they need to perform their duties. This includes, but is not limited to, safe and reliable apparatus, certified training, Personal Protective Equipment that meets current standards at all times and the Leadership at all levels to make this happen. All their equipment, apparatus, etc., will be of no value or use to its citizens if the structure housing the assets is not up to current codes or earthquake resistant to prevent the loss of its contents. It should also be capable of housing modern apparatus as older Fire halls cannot contain the newer, larger apparatus that are required to protect the community. Most departments replace their vehicles after 20 years to ensure safety, reliability and cost effectiveness of operations and maintenance. Relying on finding fairly modern but used apparatus for sale is not wise as departments maintain them from new until about 20 years making finding something suitable almost impossible.

In conclusion, the public has to decide what level of service it wants and has to support that level of service with sufficient funding to ensure the department functions safely and to provide a Life Safety Service that the community can be proud of.

Mark Jackson, Fire Chief

Union Bay Fire Rescue