

## NOTICE OF MOTION

**RE: "Mount Newton Cross Road / Senanus Drive Local Area  
Service Establishment Bylaw No. 1625, 2009"**

**For the February, 2, 2009, Regular Council Meeting**  
Submitted by Councillor Adam Olsen

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*Whereas correspondence (Appendix A-D) to the District of Central Saanich has shown a desire by the Central Saanich West Voters Association and the Mt. Newton Neighbourhood Association to accept a dispute resolution process by an "independent third party" which would be "a fair and impartial mechanism for dealing with this complex and long-standing problem" and that such a process would likely negate a potential liability to the District which would negatively affect all citizens and taxpayers.*

*Therefore be it resolved that,*

- 1. Council proceed with an independent third party to carry out a dispute resolution process in order to limit any potential liability to the District.*
- 2. Council instruct staff to alert the appropriate Provincial Government Ministry that it is our desire to accept financial assistance a service previously offered by the Province.*

CENTRAL SAANICH WEST  
VOTERS ASSOCIATION

c/o 629 Senanus Drive  
Saanichton, BC, V8M 1S6

Honorable George Abbott  
Minister of Sustainable Resource Management  
PO Box 9054  
STN PROV GOVT  
Victoria BC  
V8W 9E2

January 17, 2005

Dear Minister Abbott:

RE: 15369, Central Saanich West Water Supply

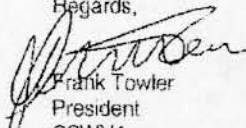
Thank you for meeting with Mayor Habkirk; the residents appreciate very much your involvement in attempting to resolve our water supply problem.

It would be helpful to us if you could continue to provide assistance, particularly in gaining answers to a number of pertinent questions, which to-date have not been answered satisfactorily, if at all.

1. What is council's objection to supporting an extension of the Greater Victoria Water District system West along Mt. Newton X Road to Senanus Drive; and why is it not in the public interest to do so? Although the community would benefit from application of grants available for the purpose of solving water supply problems, the residents have said that they would pay 100% of the costs of a water main extension.
- \* 2. Why is the District unwilling to accept the Provincial Government's offer of dispute resolution? This would seem to be a fair, impartial mechanism for dealing with this complex and long-standing problem. If the residents are willing to abide by this process, why are their public servants not?
3. If this matter is to be resolved at the municipal level, what has changed? When and how will resolution happen? When is the District going to engage the residents in meaningful discussions that lead to a solution?
4. Why is the District opposed to entering into a bulk water service supply agreement with a utility owned by the residents?

Until such questions are answered, and local government deals honestly with the community, there can be no peace in the minds of the impacted residents.

Regards,



Frank Towler  
President  
CSWVA

Copies emailed to the Honourable Murray Coell and Pieter Bekker.

MINISTER OF SUSTAINABLE RESOURCE MANAGEMENT			
Referral #	_____		
Refer to	_____		
Received	JAN 19 2005		
MIN Response <input checked="" type="checkbox"/>	Reply Direct <input type="checkbox"/>	Info/File <input type="checkbox"/>	N/A <input type="checkbox"/>
DM Response <input type="checkbox"/>	Briefing Note <input type="checkbox"/>	Speaking Notes <input type="checkbox"/>	
Other	_____		

"APPENDIX B"

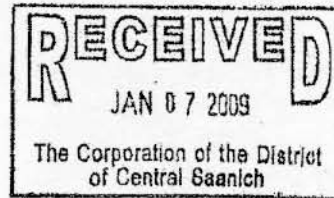


**MNNA**  
Mount Newton  
Neighborhood  
Association

Mount Newton Neighborhood  
Association (MNNA)  
c/o 906 Mount Newton Crossroad,  
Saanichton V8M 1S2

January 1, 2009

Mayor and Council  
District of Central Saanich  
1903 Mount Newton Cross Road  
Saanichton, BC V8M 2A9



Dear Mayor Mar and Members of Council,

We, the Undersigned members of the Mount Newton Neighbourhood Association (MNNA) do not accept the validity of the waterline petition, Certified by the District on April 1st, 2008.

The MNNA notes the long and complex history of the pipeline debate, many disagreements about its necessity and its merits, and the existence of alternative solutions that have not yet been considered. The MNNA would like to see the acrimonious nature of this issue resolved through a fair and equitable process that reflects best practices available.

\* Given that the new Council would also benefit from a thorough unbiased review of this contentious project, the MNNA proposes that Council bring in an independent third party expert mediator from a certified independent mediation agency to review the project in its entirety, as earlier recommended by the Minister for Sustainability, who offered to fund this service<sup>1</sup>. MNNA requests that archaeological monitoring and First Nations Interests be included in any project review.

This review would be in advance of any new petition, would benefit all residents in the proposed Local Service Area (LSA), would facilitate open and informed discussion on the issue for those involved, and would allow Council to focus on larger issues of interest to the District as a whole. Ensuring a cost-effective economically-equitable solution is particularly necessary during this time of global economic uncertainty, when people's ability to pay increased taxes is compromised, and when the currently proposed taxation imposes the greatest proportionate taxation increase on the lowest assessed value properties, with the added uncertainty of open-ended cost-over-runs and therefore unknown taxation increases.

Council Jan 12/09

<sup>1</sup> <http://www.sonanus.net/d0k5/2005-05-Lot-GAbbottMinSustRes-2-CSCouncil-MEDIATOR.pdf>

"APPENDIX B CONT."



**MNNA**  
Mount Newton  
Neighborhood  
Association

Mount Newton Neighborhood  
Association (MNNA)  
c/o 906 Mount Newton Crossroad,  
Saanichton V8M 1S2

Because the process to date, as documented, has been exceedingly flawed and is legally problematic, MNNA is requesting the Municipality undertake the above fair, reasonable, and workable approach as a gesture of good faith and to ensure proper and legal process. Please contact MNNA should any of the above require clarification.

Respectfully submitted,

<u>Ann Pappas</u>	<u>Anna</u>	<u>McMull</u>
<u>John H. H.</u>	<u>John</u>	<u>Karen Harris</u>
<u>Heather Waters</u>	<u>Heather</u>	<u>Anna</u>
<u>Dundy Coates</u>	<u>Ernie Gray</u>	<u>John</u>
<u>Frank Clayards</u>	<u>Noel C. Richards</u>	<u>Karen Brown</u>
<u>W.S. Day</u>	<u>Andrew Yesman</u>	<u>Timothy Vernon</u>
<u>M.E. Clayards</u>	<u>E. J. Cunningham</u>	<u>Karell Carmell</u>
<u>John Johnson</u>	<u>Linda Shindler</u>	<u>Robert Bocky</u>
<u>Marie Christoff</u>	<u>John</u>	<u>B. G. Jutter</u>
<u>Dave Crace</u>	<u>John</u>	<u>John</u>
<u>D. A. Clark</u>	<u>Janice Brown</u>	<u>John</u>
<u>Richard de Silva</u>	<u>John</u>	<u>John</u>
<u>Dale Shpak</u>	<u>Barbara Befus</u>	<u>John</u>
<u>Heather Graham</u>		

cc  
Mr. Kirk Handrahan, Infrastructure Development, Min. Economic Dev.  
Mr. Glen Brown, Infrastructure & Engineering, Min. Community Services  
Hon. Lynne Yelich, Minister of Western Economic Diversification Canada  
Western Economic Diversification Canada  
Hon. Blair Lekstrom, Minister of Community Development  
Mr. Dale Wall, Deputy Minister of Community Development  
Mr. Murray Coell, MLA  
Mr. Gary Lunn, MP Saanich-Gulf Islands  
The Ombudsman of British Columbia  
Office of the Inspector of Municipalities  
The Union of British Columbia Municipalities

The Rt. Hon. Premier Gordon Campbell  
Ms. Jessica McDonald, Deputy Minister to the Premier  
Hon. Barry Penner, Minister of Environment  
Ms. Joan Hesketh, Deputy Minister of Environment  
Ministry of Environment Water Stewardship Division  
Mr. Oliver Brandes, POLIS Project, University of Victoria  
Mr. Eric Bonham CAVI / BCWAA Climate Change Committee  
Pacific Climate Impacts Consortium  
Veins of Life Watershed Society  
Ms. Irene Faulkner, Barrister & Solicitor  
Ms. Deborah Curran, Environmental Law Centre, University of Victoria  
Mr. Calvin Sandborn, Environmental Law Centre, University of Victoria

"APPENDIX C"

IRENE C.  
FAULKNER  
BARRISTER &  
SOLICITOR

January 28, 2009

Mayor & Council  
District of Central Saanich  
1903 Mount Newton Cross Road  
Saanichton, BC V8M 2A0

FAKED

Via Fax: 250-652-0135

Dear Mayor & Council:

Re: Senanus Waterline

I represent the Mount Newton Neighbourhood Association ("MNNA") with respect to the proposed Senanus waterline. As you know my clients have numerous concerns about the proposed waterline, not the least of which is the petition certified by Central Saanich in 2008.

In our view, the petition purporting to support the waterline is seriously flawed and will not withstand the scrutiny of the courts. While the petition was certified by a narrow margin of land owners (59.38%), several of these landowners have since written to indicate they no longer support the project and properties that have changed hands are also now owned by land owners who do not support the project. There were a number of problems with this petition including: 1) the fact that attachments referred to in the Petition were not provided with it; 2) a Q&A sheet distributed by the proponents of the petition was misleading in that it indicated that the proposed watermain would provide fire protection and a decrease in insurance premiums and 3) that it was within the mandate of the Chief Medical Health Officer to force residents to pay the cost of the line. In addition, some property owners within the catchment area were not included in the schedule of properties and some owners within the catchment received no notice of the petition. Indeed, the District has received advice from its solicitor that the 2008 petition would likely fail if challenged under the *Judicial Review Procedure Act*.

I also understand that the Council recently rejected a proposal by my clients to enter into a mediation process with a view to identifying viable sustainable alternatives to the proposed waterline. Council's rejection of this proposal leaves the MNNA with no alternative but to pursue the legal remedies available to them.

I trust you will take this letter under serious consideration and I would appreciate a reply to this letter within the next 2 weeks.

Yours sincerely,



Irene C. Faulkner