

Notes from the community meeting on Wednesday, June 18th, regarding our community dock.

Guest speaker for this meeting was Bob Cunneyworth, Compliance & Enforcement Officer with the BC Integrated Land Management Bureau.

The meeting was opened by the President of BBKA, Brenda Dixon, who welcomed the attendees, laid out the rules for engaging, and introduced the VP, Dominic, as the moderator for the meeting.

A brief background to clarify information about our community dock:

- The BBKA has formed a subcommittee consisting of those with registered moorage at the dock.
- The day-to-day decisions and maintenance of the facility has been delegated to the subcommittee.
- Each year the subcommittee submits a budget to the BBKA for review and approval.
- Financial authority has not been delegated to the subcommittee, however the committee's recommendations are expected to carry a great deal of weight in the budget approval.
- The dock is a non-profit operation with budgeted annual maintenance costs paid for by the current year's moorage fees.
- The fees were recently increased as a means to fund ongoing and more severe maintenance and repairs that were required in order to continue to operate.
- Security for funding of any unforeseen costs is covered by a reserve fund to cover unforeseen expenses. This financial support is added to the subsequent year's moorage rates and put back into the reserve.
- As a result of advice sought and received from Legal Counsel and our Insurance Agent, we were required to put up a chain link fence to make the shoreline safer and to put in a locked gate.
- Anyone who wants access simply signs a liability waiver and pays a damage deposit for a numbered key to the lock.
- At the request of the Guest Speaker, we spoke with our insurance agent who verbally advised that they no longer require us to lock the gate. We are waiting for confirmation of this in writing.
- The lawyer's advice remains in place regarding the directors' personal liability relative to an unsecured waterfront facility.

There has been uncertainty regarding the definition of a community dock:

- What does "public access to a licensed community dock" mean?
- Who is eligible to put their names on the moorage waiting list?

NOTE: Many questions regarding the waterfront and marina are answered on the BBCA website: <http://www.britanniabeachcommunity.org/waterfront.html>

Guest Speaker, Bob Cunneyworth, described his position. He said he was more compliance minded than an enforcer. He told us that he has had complaints regarding the dock, such as people living on their boats, and boaters not being able to moor for a short period of time.

"Public wharves owned by local government or eligible community groups are required to provide non-commercial access to the public."

Bob explained that a Nominal Rent Tenure (what the BBCA has) means the land area must be open to the entire community or must be of benefit to the community. "A license of occupation does not allow the tenure holder to curtail public access over the license area except where it would impact the licensees' right to use the land as per the license document." The tenure can include limited commercial occupation, collecting fees, but not for profit.

Bob quoted from passages in the Land Use Operational Policy as applied to Nominal Rent Tenures and it would benefit interested parties to have a look at it on the govt. website:

http://www.for.gov.bc.ca/land_tenures/documents/policies/community_inst.pdf

Bob noted that no Management Plan has ever been submitted and recommends that the members of the BBCA get together and write one.

COMMENTS & CONCERNS from some of the 22 people who attended the meeting.

John - the dock is a liability on the BBCA directors. The BBCA should divest itself of it and a new organization take over operations.

Ralph - the BBCA should divest itself of any interest in the waterfront and dock.

Bob - tenure is up in May 2015 and to facilitate smooth transition get a plan in place prior to that date.

Celeste - if the BBCA does not maintain it's license of tenure, could the community lose access to the waterfront altogether (e.g. if an organization or company other than the BBCA or Britannia Boat Club were to pursue obtaining a license of tenure

on the property)?

Ron - is outraged that he hasn't been allowed to join the boat club and is concerned about maintenance.

Brenda - the BBCA intends to negotiate with CN to not have to pay for road access.

Willow - when the Land Use office in Surrey was told about the problems at the dock they suggested a gate and fencing.

Angie - the dock is an 'improvement' and belongs to BBCA, as such BBCA is entitled to lock the gate. The BBCA has to give the community access but does NOT have to give the public access.

Bob - write it in the Management Plan.

Ron or Ralph - the Management Plan has to be legal.

Dominic - should the BBCA open the dock to the public?

Angie - can people from Seattle rent a spot? There is a plan for adding spots in the future.

Willow - years ago the Licence of Occupation said that any money raised by the dock stayed with the dock.

Manny - concerned about time frame for the Management Plan.

Dominic - give BBCA a week to convene an open forum on the matter of a Plan of Management.

Willow - need to write up the document now.

Brenda - there's a template on the BBCA website already.

Angie - signs are going to be put up about safety around the dock. She already keeps the gate open when she is there doing maintenance.

Bob - a waiver doesn't protect against gross negligence. The BBCA needs to make sure that it is not being negligent in managing the dock so that the Directors are not liable.

Willow - the dock committee goes every Saturday and, slowly, there is boating compliance.

Lisa - love that positive feedback.

John - wants it to be a community effort. Thinks a vote should be taken as to whether or not the BBCA divests itself of the dock.

Jane - thinks it's a liability and supports dissolution.

Ron - incorporate a 'boat club' that is a registered entity to hand it over to.

Bob - so write a Management Plan for now with future plans projected.

Dominic calls the meeting to an end at 8:15pm.