



SPECIAL CITY COUNCIL MEETING
Council Chamber, Burnaby City Hall
4949 Canada Way, Burnaby, B. C.

SPECIAL COUNCIL MEETING AT 5:00 PM
Monday, 2020 March 23

A G E N D A

1.	<u>CALL TO ORDER</u>	<u>PAGE</u>
2.	<u>MINUTES</u>	
	A) Parcel Tax Roll Review Panel held 2020 March 11	1
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	A) City Manager's Report, 2020 March 23	4
4.	<u>MANAGER'S REPORTS</u>	
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	Purpose: To amend the Burnaby Procedure Bylaw 2004 to allow electronic participation in regular Council meetings or board, committee or commission meetings in the event of a Federal, Provincial or local State of Emergency, Provincial Health Emergency, or pandemic declaration by the World Health Organization.	
2.	CONTRACT AWARD CB-3144 – BOUNDARY LANES COMBINED SEWER SEPARATION AND WATER PROGRAM – PHASE II	10
	Purpose: To obtain Council approval to award a contract for the Boundary Lanes Combined Sewer Separation and Water Program – Phase II.	

- 3. CONTRACT AWARD 11**
CB-3181 - 2020 MINOR BRIDGE REHABILITATION

Purpose: To obtain Council approval to award a contract for the 2020 Minor Bridge Rehabilitation Project.
- 4. CONTRACT INCREASE – SCOPE 13**
TANDEM AXLE DUMP TRUCKS WITH SNOW PLOWS AND SPREADERS

Purpose: To obtain Council approval to award a contract increase for the supply and delivery of three (3) tandem axle dump trucks with snow plows and spreaders.
- 5. CONTRACT INCREASE – SCOPE 15**
ENGINEERING CONSULTING SERVICES FOR NON-MARKET HOUSING PROJECTS

Purpose: To obtain Council approval to award a contract increase for the engineering consulting services for non-market housing projects.
- 6. CONTRACT EXTENSION 17**
CHECKPOINT ANNUAL SUPPORT AND SUBSCRIPTION EXTENSION

Purpose: To obtain Council approval for a one year contract extension for Checkpoint annual support and subscription extension.
- 5. DEFERRED MATTER**

- A) PROPOSED INTER-MUNICIPAL BUSINESS LICENCE 19**
BYLAWS RELATED TO TRANSPORTATION NETWORK SERVICES (AKA RIDE-HAILING)

Purpose: To recommend that Council approve bylaws that authorize the City to participate in an Inter-Municipal Business Licence scheme for Transportation Network Services.

6. BYLAWS

A) First, Second and Third Reading

- A) #14138 - Burnaby Inter-municipal TNS Business Licence Agreement Bylaw 2020 **14138**

A bylaw to enter into an agreement among the Participating Municipalities regarding an Inter-municipal Transportation Network Services Business Licence Scheme
(Item 6(3), Manager's Report, Council 2020 March 09)

Subject to approval of Item 5(A)

- B) #14139 - Burnaby Inter-municipal TNS Business Licence Bylaw 2020 **14139**

A bylaw to establish the Inter-municipal Transportation Network Services Business Licence Scheme
(Item 6(3), Manager's Report, Council 2020 March 09)

Subject to approval of Item 5(A)

- C) #14141 - Burnaby Procedure Bylaw 2004, Amendment Bylaw No. 1, 2020 **14141**

A bylaw to allow electronic participation in regular Council meetings or board, committee or commission meetings in the event of a Federal, Provincial or local State of Emergency, Provincial Health Emergency, or pandemic declaration by the World Health Organization.
(Item 4(1), Manager's Report, Special Council 2020 March 23)

Subject to approval of Item 4(1)

B) Reconsideration and Final Adoption

- D) #14135 - Burnaby Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw No. 9, 2020 **14135**

A bylaw authorizing the expenditure of monies in the Capital Works, Machinery and Equipment Reserve Fund - \$17,203,900 to finance the 2020 February Engineering Capital Infrastructure Bylaw Funding Request
(Item 6(F), FMC Report, Council 2020 February 24)

7. NEW BUSINESS

8. INQUIRIES

9. ADJOURNMENT



PARCEL TAX ROLL REVIEW PANEL M I N U T E S

**Wednesday, March 11, 2020, 4:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

PRESENT: His Worship, Mayor Mike Hurley, Chair
Councillor Pietro Calendino, Member
Councillor Paul McDonell, Member

ABSENT: Councillor Sav Dhaliwal, Vice Chair
Councillor Joe Keithley, Member

STAFF: Mr. Jonathan Helmus, Assistant Director Engineering
Infrastructure & Development
Mr. Richard Rowley, Assistant Director Finance Revenue
Services
Ms. Monica Macdonald, Administrative Officer

1. CALL TO ORDER

The Chair called the Parcel Tax Roll Review Panel to order at 4:00 p.m.

His Worship, Mayor Mike Hurley, recognized the ancestral and unceded homelands of the hə́ŋqəmiŋə́m and Skwxwú7mesh speaking peoples, and extended appreciation for the opportunity to hold a meeting on this shared territory.

2. REPORTS

A) Report from the Director Finance - Re: 2020 Parcel Taxes

The Director Finance submitted a report providing an overview of the parcel tax process.

The Director Finance recommended:

1. THAT this report be received for information purposes.

MOVED BY COUNCILLOR CALENDINO

SECONDED BY COUNCILLOR MCDONELL

THAT the recommendation of the Director Finance be adopted.

CARRIED UNANIMOUSLY

B) Report from the Director Finance - Re: Local Area Service Foot Frontage Rules

The Director Finance submitted a report providing an overview of the foot frontage rules used to charge newly billable Local Area Services Taxes that form part of the Parcel Tax Roll for 2020.

The Director Finance recommended:

1. THAT this report be received for information purposes.

MOVED BY COUNCILLOR CALENDINO

SECONDED BY COUNCILLOR MCDONELL

THAT the recommendation of the Director Finance be adopted.

CARRIED UNANIMOUSLY

C) Report from the Director Finance - Re: Confirmation and Authentication of the 2020 Parcel Tax Rolls

The Director Finance submitted a report seeking confirmation and authentication of the 2020 Sewer Parcel Tax Roll and the 2020 Local Area Service Tax Roll.

The Director Finance recommended:

1. THAT the 2020 Parcel Tax Roll, as received by the Parcel Tax Roll Review Panel, be confirmed and authenticated.
2. THAT the 2020 Local Area Service Tax Roll, as received by the Parcel Tax Roll Review Panel, be confirmed and authenticated.

MOVED BY COUNCILLOR MCDONELL

SECONDED BY COUNCILLOR CALENDINO

THAT the recommendations of the Director Finance be adopted.

CARRIED UNANIMOUSLY

3. ADJOURNMENT

MOVED BY COUNCILLOR MCDONELL
SECONDED BY COUNCILLOR CALENDINO

THAT the Parcel Tax Roll Review Panel meeting do now adjourn at 4:01 p.m.

CARRIED UNANIMOUSLY

CHAIR

ADMINISTRATIVE OFFICER



MANAGER'S REPORT March 23, 2020

Unless otherwise noted, the departmental recommendations contained in this Manager's Report are approved and recommended by the City Manager to the Mayor and Council

HIS WORSHIP THE MAYOR AND MEMBERS OF COUNCIL;

The following report is submitted for your consideration:

Item

01 ELECTRONIC PARTICIPATION IN COUNCIL, COMMITTEE, COMMISSION AND BOARD MEETINGS

PURPOSE: To amend the Burnaby Procedure Bylaw, Bylaw No. 11714 to allow electronic participation in regular Council meetings or board, committee or commission meetings in the event of a Federal, Provincial or local State of Emergency, Provincial Health Emergency, or pandemic declaration by the World Health Organization.

02 CONTRACT AWARD CB-3144 – BOUNDARY LANES COMBINED SEWER SEPARATION AND WATER PROGRAM – PHASE II

PURPOSE: To obtain Council approval to award a contract for the Boundary Lanes Combined Sewer Separation and Water Program – Phase II.

03 CONTRACT AWARD CB-3181 – 2020 MINOR BRIDGE REHABILITATION

PURPOSE: To obtain Council approval to award a contract for the 2020 Minor Bridge Rehabilitation Project.

Item

**04 CONTRACT INCREASE – SCOPE
TANDEM AXLE DUMP TRUCKS WITH SNOW PLOWS AND SPREADERS**

PURPOSE: To obtain Council approval to award a contract increase for the supply and delivery of three (3) tandem axle dump trucks with snow plows and spreaders.

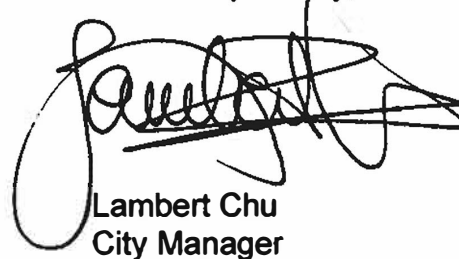
**05 CONTRACT INCREASE – SCOPE
ENGINEERING CONSULTING SERVICES FOR NON-MARKET HOUSING
PROJECTS**

PURPOSE: To obtain Council approval to award a contract increase for the engineering consulting services for non-market housing projects.

**06 CONTRACT EXTENSION
CHECKPOINT ANNUAL SUPPORT AND SUBSCRIPTION EXTENSION**

PURPOSE: To obtain Council approval for a one year contract extension for Checkpoint annual support and subscription extension.

Yours respectfully,

A handwritten signature in black ink, appearing to read 'Lambert Chu', with a large, stylized flourish extending from the bottom left.

Lambert Chu
City Manager



Item
Meeting..... 2020 March 23

SPECIAL COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 20

FROM: CITY CLERK

SUBJECT: ELECTRONIC PARTICIPATION IN COUNCIL, COMMITTEE, COMMISSION AND BOARD MEETINGS

PURPOSE: To amend the Burnaby Procedure Bylaw 2004 to allow electronic participation in regular Council meetings or board, committee or commission meetings in the event of a Federal, Provincial or local State of Emergency, Provincial Health Emergency, or pandemic declaration by the World Health Organization.

RECOMMENDATIONS:

1. THAT the 2020 March 23 Regular Council meeting and 2020 March 24 Public Hearing be cancelled.
2. THAT all regularly scheduled Committee, Commission and Board meetings be cancelled up to and including 2020 April 30.
3. THAT Council approve the electronic participation in regular Council, Committee, Commission and Board meetings in the event of a Federal, Provincial or local State of Emergency, Provincial Health Emergency, and/or a pandemic declaration by the World Health Organization.
4. THAT Council authorize the City Solicitor to bring forward a bylaw to amend the Burnaby Procedure Bylaw 2004, as outlined in the report.

REPORT

1.0 INTRODUCTION

On 2020 March 18, the B.C. government declared a State of Emergency in response to the COVID-19 pandemic. To stop or slow down the spread of this highly contagious disease, Public Health officials recommend social distancing and self-isolation at home. To protect the health and safety of the public, staff, and members of Council, electronic participation in meetings is a necessary step to decrease contact and the potential spread of COVID-19. To continue to provide essential services during the

To: City Manager
 From: City Clerk
 Re: Electronic Participation in Council, Committee,
 Commission and Board Meetings
 2020 March 23 Page 2

COVID-19 pandemic, amendments to the Burnaby Procedure Bylaw 2004, are required to allow Council members to electronically participate in regular Council meetings. Although it is unknown at this point if electronic participation in meetings will be needed for Committees, Commissions and Boards, the proposed bylaw amendment outlined in this report will allow for electronic participation in all meeting types should the need arise.

Further, it is recommended that the following meetings be cancelled:

- 2020 March 23 Regular Council Meeting;
- 2020 March 24 Public Hearing; and
- all regularly scheduled Committee, Commission and Board meetings up to and including 2020 April 30.

Any urgent items of business may be considered at a Special meeting.

2.0 PARTICIPATION IN MEETINGS BY ELECTRONIC MEANS

The *Community Charter*, Section 128 [Electronic meetings and participation by members] allows electronic participation by members of Council if it is authorized by the City's procedure bylaw.

Section 10 of the Burnaby Procedure Bylaw 2004 allows members of Council or Board, Committee or Commission members who are unable to attend a Special meeting to participate in the meeting by electronic means. The Procedure Bylaw does not currently permit electronic participation in meetings that are not Special meetings. Special meetings are those that are called by the Mayor or two members of Council to address urgent items of business.

Electronic participation is not authorized under the Burnaby Procedure Bylaw 2004 for regularly scheduled meetings until such time as the Bylaw is amended to allow for electronic participation by members.

3.0 BURNABY PROCEDURE BYLAW PROPOSED AMENDMENT

To protect the health and safety of the public, staff and Council, and enable the provision of essential services to the community, it is recommended that Section 10 of the Burnaby Procedure Bylaw 2004 be amended to allow electronic participation in meetings by Council, Committee, Commission and Board members during the regular meetings in case of a State of Emergency, Provincial Health Emergency or pandemic situation.

To: City Manager
 From: City Clerk
 Re: Electronic Participation in Council, Committee,
 Commission and Board Meetings
 2020 March 23 Page 3

Current

10. Participation in Meetings by Electronic Means

- 1) *In accordance with Section 128 of the Community Charter, a member of Council or a member of a board, committee or commission who is unable to attend at a Special Council meeting or a Special board, committee or commission meeting, may participate in the meeting by means of electronic or other communication facilities whereby that member can communicate with the members present at the meeting.*
- 2) *The member presiding at the Special Council, board, committee or commission meeting must not participate electronically.*
- 3) *A member unable to attend a Special Council, board, committee or commission meeting, that wishes to participate electronically in the Special Meeting must provide notice to the City Clerk of their intent at least four hours in advanced of the start time of the Special meeting.*
- 4) *A member participating in a Special meeting electronically is deemed to be present in the meeting as though he or she was physically present.*
- 5) *The Clerk or recording secretary shall record in the minutes the members present including those participating electronically.*

Proposed

Adding Sub-section 6 to read as follows:

- 6) *Subsections 10(1) to (5) also apply to a regular Council meeting and a regularly scheduled board, committee or commission meeting in the event of:*
 - a. *a State of Emergency declaration by the Federal Government and/or Province and/or the City;*
 - b. *Provincial Health Emergency; or*
 - c. *a pandemic declaration by the World Health Organization.*

To: City Manager
 From: City Clerk
 Re: Electronic Participation in Council, Committee,
 Commission and Board Meetings
 2020 March 23 Page 4

4.0 CONCLUSION

This report outlines changes to the Burnaby Procedure Bylaw 2004 in response to the evolving COVID-19 pandemic situation. An amending bylaw to authorize participation in regular meetings by electronic means is being brought forward for three readings for Council's consideration at this time. Following the three readings, a Notice of Amendment and explanation of the purpose of the bylaw amendment will be advertised in the local newspaper for two consecutive weeks (2020 March 26 and 2020 April 2), in accordance with Section 94 of the *Community Charter*. The Amendment Bylaw would then return to Council for reconsideration and final adoption after 2020 April 2. Until such time as the Burnaby Procedure Bylaw 2004 is amended, it is recommended that the 2020 March 23 Regular Council Meeting and the 2020 March 24 Public Hearing Meeting be cancelled, and regularly scheduled Committee, Commission and Board meetings be cancelled until 2020 April 30. Any urgent items of business may be considered by way of a Special meeting.



Kate O'Connell
 CITY CLERK

Cc: City Manager
 Director Corporate Services
 Director of Parks, Recreation and Cultural Services
 City Solicitor



Item
Meeting..... 2020 Mar 23

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 16

FROM: DIRECTOR FINANCE **FILE:** 5820-20
Reference: Tender #27-02/20

SUBJECT: CONTRACT AWARD
CB-3144 – BOUNDARY LANES COMBINED SEWER SEPARATION
AND WATER PROGRAM – PHASE II

PURPOSE: To obtain Council approval to award a contract for the Boundary Lanes Combined Sewer Separation and Water Program – Phase II.

RECOMMENDATION:

1. **THAT** Council approve a contract award to Complete Utility Contractors Ltd. for an estimated total cost of \$4,795,553.18 including GST in the amount of \$228,359.68 as outlined in this report. Final payment will be based on the actual quantity of goods and services delivered and unit prices as tendered.

REPORT

Five tenders ranging from \$4,795,553.18 to \$6,882,750.00 were received by the closing time on 2020 March 12. The scope of this project includes 2,280m water main replacement, 1,200m combined sewer separation, 12,400 m² of road/lane rehabilitation in the area of north Burnaby along Boundary Rd and lanes between Oxford St. Hastings St., as well as lane rehabilitation in North Burnaby.

The lowest tenderer, Complete Utility Contractors Ltd., has not previously undertaken a contract for the City; however, references from our consultant indicate that the contractor has the necessary equipment and personnel to successfully complete the work required under this contract. The Director Engineering concurs with the above recommendation.

Funding for this capital work is included in the 2020 – 2024 Provisional Financial Plan under the following WBS elements: AEC.3144 (\$403,200), EJA.3144 (\$899,600), EKA.3144 (\$1,141,400) and EMC.3144 (\$2,123,200).

For Noreen Kassam, CPA, CGA
DIRECTOR FINANCE

BK:GC:sc / ts:md

Copied to: Director Engineering
City Solicitor



Item.....
Meeting..... 2020 Mar 23

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 16

FROM: DIRECTOR FINANCE **FILE:** 5820-20
Reference: Tender #03-01/20

SUBJECT: CONTRACT AWARD
CB-3181 - 2020 MINOR BRIDGE REHABILITATION

PURPOSE: To obtain Council approval to award a contract for the 2020 Minor Bridge Rehabilitation Project.

RECOMMENDATION:

1. **THAT** Council approve a contract award to Eurovia British Columbia Inc. for an estimated total cost of \$517,077.17 including GST in the amount of \$24,622.72 as outlined in this report. Final payment will be based on the actual quantity of goods and services delivered and unit prices as tendered.

REPORT

Two tenders ranging from \$517,077.17 to \$1,236,188.63 were received by the closing time on 2020 February 18. The scope of this project includes the rehabilitation and maintenance cleaning of seven (7) bridges located throughout the City. These bridges include:

- Willingdon Overpass (BNSF Railway);
- Royal Oak Avenue Bridge (Deer Lake Park);
- Gagliardi Way Overpass (Government Street);
- Telus Pedestrian Bridge over Kingsway;
- Griffiths Drive Pedestrian Overpass;
- Winston Street Pedestrian Overpass; and
- McMurray Street Pedestrian Overpass.

Work includes general concrete repairs, concrete deck patching, anti-slip coating application, replacement of pot bearings, corrosion removal and painting of bearing plates, resealing vertical joints, replacement of compression and strip seals, railing replacement, replacement of sidewalk panels, and power washing.

The lowest tenderer, Eurovia British Columbia Inc., has completed previous projects under contract to the satisfaction of the City. Review by City staff and our consultant indicates the contractor has the necessary equipment and personnel to successfully complete the work required under this contract. The Director Engineering concurs with the above recommendation.

To: City Manager
From: Director Finance
Re: Contract Award
CA-3181 – 2020 Minor Bridge Rehabilitation

2020 March 23 Page 2

Funding for this work is included in the 2020 – 2024 Provisional Financial Plan under WBS element: EMC.8000 (\$90,000) and the balance of funding is within various operating accounts within the Roads division.



For Noreen Kassam, CPA, CGA
DIRECTOR FINANCE

BK:GC:sc / ts:md

Copied to: Director Engineering
City Solicitor



Item
Meeting2020 Mar 23

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 16

FROM: DIRECTOR FINANCE **FILE:** 5820-20
RFQ #118-05/19

**SUBJECT: CONTRACT INCREASE – SCOPE
TANDEM AXLE DUMP TRUCKS WITH SNOW PLOWS AND
SPREADERS**

PURPOSE: To obtain Council approval to award a contract increase for the supply and delivery of three (3) tandem axle dump trucks with snow plows and spreaders.

RECOMMENDATION:

1. **THAT** Council approve a contract increase of \$1,157,667.84 including GST and PST in the amount of \$124,035.84 to First Truck Centre Vancouver as outlined in this report.

REPORT

On 2019 December 02, Council awarded a contract to First Truck Centre Vancouver for the supply and delivery of five (5) tandem axle dump trucks with snow plows and spreaders for a total cost of \$1,986,432.00 including GST and PST in the amount of \$212,832.00. The contract included an option for the City to purchase additional trucks within an 18 month period from the Request for Quotation closing date.

This recommendation is for the supply and delivery of three (3) additional tandem axle dump trucks with snow plows and spreaders to replace existing units (#1185, #1205 and #1206) for a total cost of \$1,157,667.84 including GST and PST in the amount of \$124,035.84. The total contract value will be \$3,144,099.84 including GST and PST in the amount of \$336,867.84. First Truck Centre Vancouver is holding existing contract prices for the recommended increase.

Contract History	Term	Amount
Original Contract Award	2019 December 02	\$1,986,432.00
Contract Increase - Scope	2020 March 23	\$1,157,667.84
TOTAL		\$3,144,099.84

To: City Manager
 From: Director Finance
 Re: Contract Increase
 Tandem Axle Dump Trucks with Snow Plows and Spreaders

2020 March 23 Page 2

The recommended bidder, First Truck Centre Vancouver, has provided similar vehicles in the past with a proven track record for performance and reliability to the satisfaction of the City. The recommendation is based on findings of overall quality, features, equipment performance and service. The Director Engineering concurs with the above recommendation.

Funding for this contract is included in the 2020 – 2024 Provisional Financial Plan under the following WBS element: ENZ.0070 (\$1,106,000).



For Noreen Kassam, CPA, CGA
 DIRECTOR FINANCE

BK:GC:ML / ts:md

Copied to: Director Engineering



Item
Meeting..... 2020 Mar 23

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 16

FROM: DIRECTOR FINANCE **FILE:** 5820-20
Reference: RFP #227-10/19

**SUBJECT: CONTRACT INCREASE – SCOPE
ENGINEERING CONSULTING SERVICES FOR NON-MARKET
HOUSING PROJECTS**

PURPOSE: To obtain Council approval to award a contract increase for the engineering consulting services for non-market housing projects.

RECOMMENDATION:

- 1. THAT** Council approve a contract increase with Parsons Inc. for an estimated value of \$195,650.70 including GST in the amount of \$9,316.70 for the Engineering Consulting Services for Non-Market Housing Project. Final payment will be based on hourly rates and services purchased.

REPORT

In 2019 December, the City awarded a contract for engineering consulting services related to the Non-Market Housing Projects program to Parsons Inc., for the amount of \$478,201.50 including GST in the amount of \$22,771.50. The revised scope of services requires a higher level of preliminary site contamination investigation, additional civil design including topographical survey, additional environmental ecosystem investigation and legal survey services.

This recommendation is for an increase for an estimated value of \$195,650.70 including GST in the amount of \$9,316.70. City staff have reviewed Parson Inc.'s proposed revised scope and believe it appropriately addresses our needs at a fair cost. Total estimated contract value will be \$673,852.20 including GST in the amount of \$32,088.25.

Contract History	Term	Amount
Original Contract Award	2019 December	\$478,201.50
Contract Increase - Scope	2020 March	\$195,650.70
TOTAL		\$673,852.20

To: City Manager
From: Director Finance
Re: Contract Increase – Scope
Engineering Consulting Services for Non-Market Housing Projects
2020 March 23Page 2

Parsons Inc. has performed this work to date to the satisfaction of City staff. The Director Engineering concurs with this recommendation.

Funding for this contract is included within the 2020 – 2024 Provisional Financial Plan under WBS element BAX.0026 (\$186,400).

A handwritten signature in black ink, appearing to read "Noreen Kassam". The signature is fluid and cursive, with the first name "Noreen" written in a larger, more prominent script than the last name "Kassam".

For Noreen Kassam, CPA, CGA
DIRECTOR FINANCE

BK:GC:SL / ts:md

Copied to: Director Engineering



Item.....
Meeting..... 2020 March 23

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 18

FROM: DIRECTOR FINANCE **FILE:** 5820-20
Reference: RFQ#32-02/18

**SUBJECT: CONTRACT EXTENSION
CHECKPOINT ANNUAL SUPPORT AND SUBSCRIPTION EXTENSION**

PURPOSE: To obtain Council approval for a one year contract extension for Checkpoint annual support and subscription extension.

RECOMMENDATION:

1. **THAT** Council approve a one year contract extension to The Herjavec Group in the amount of \$211,514.83 including GST and PST in the amount of \$22,662.30 for annual support and subscription extension as outlined in this report. Final payment will be based on actual quantity of goods and services purchased.

REPORT

In 2018 March, the City awarded a contract to The Herjavec Group for a total cost of \$161,459.69 including GST and PST in the amount of \$17,299.25. The initial contract was for the period 2018 April 01 to 2019 March 31, with options of up to four one year extensions at the discretion of the City. The scope of this contract includes providing annual support and subscription extension for the Checkpoint Security Firewall software. Security firewall software is an essential component of the City's defence against unauthorised external intrusion to its computer network. The City has since extended one additional year for \$181,785.16 including GST and PST in the amount of \$19,476.98.

This recommendation is for a one year contract extension effective 2020 April 01 to 2021 March 31 in the amount of \$211,514.83 including GST and PST in the amount of \$22,662.30. Total estimated contract value is \$554,759.68 including GST and PST in the amount of \$59,438.53. The Herjavec Group is holding the same rates for the Checkpoint Enterprise standard support through the term. For the Checkpoint security services direct enterprise based protection, pricing has increased by 16% due to network growth, Payment Card Industry compliance and the demand for stronger protection from external threats.

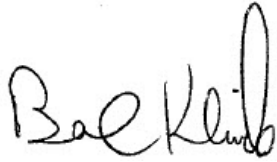
To: City Manager
 From: Director Finance
 Re: Contract Extension
 Checkpoint Annual Support and Subscription Extension

2020 March 23 Page 2

Contract History	Term	Amount
Original Contract Award	2018 April – 2019 March	\$161,459.69
Contract Extension	2019 April – 2020 March	\$181,785.16
Contract Extension	2020 April – 2021 March	\$211,514.83
TOTAL		\$554,759.68

The Herjavec Group has previously performed this work to the satisfaction of City staff. The Chief Information Officer concurs with this recommendation.

Funding for this requirement is included in the 2020 – 2024 Provisional Financial Plan under various operating accounts.



For Noreen Kassam, CPA, CGA
 DIRECTOR FINANCE

NK:GC:SL/ew:md

Copied to: Chief Information Officer

DEFERRED MATTER
2020 MARCH 23

Item 6(3) Manager's Reports
Council Meeting 2020 March 09

**3. PROPOSED INTER-MUNICIPAL BUSINESS LICENCE BYLAWS RELATED TO
TRANSPORTATION NETWORK SERVICES (AKA RIDE-HAILING)**

The City Manager submitted a report from the Director Public Safety and Community Services seeking Council authorization for the City to participate in an Inter-Municipal Business Licence scheme for Transportation Network Services.

The City Manager recommended:

1. THAT Council approve the City of Burnaby's participation in an Inter-Municipal Business Licence scheme for Transportation Network Services, as described in the report.
2. THAT Council authorize the City Solicitor to bring forward the Inter-Municipal TNS Business Licence Agreement Bylaw, substantially in the form set out in Attachment 1 of the report.
3. THAT Council authorize the City Solicitor to bring forward the Inter-Municipal TNS Business Licence Bylaw, substantially in the form set out in Attachment 2 of the report.

MOVED BY COUNCILLOR JOHNSTON

SECONDED BY COUNCILLOR WANG

THAT the recommendations of the City Manager be adopted.

DEFERRED

MOVED BY COUNCILLOR DHALIWAL

SECONDED BY COUNCILLOR CALENDINO

THAT the report be **DEFERRED** to 2020 March 23 Council meeting.

CARRIED UNANIMOUSLY

Council requested additional information regarding the accessibility considerations, and related contributions of ride-hailing services in support of accessible transportation.

<p>Copy: City Manager Director Public Safety & Community Services Director Finance Director Planning & building Director Engineering Director Corporate Services City Solicitor</p>



Item
Meeting2020 Mar 9

Council REPORT

TO: CITY MANAGER

DATE: 2020 February 27

FROM: DIRECTOR PUBLIC SAFETY AND
COMMUNITY SERVICESSUBJECT: PROPOSED INTER-MUNICIPAL BUSINESS LICENCE BYLAWS
RELATED TO TRANSPORTATION NETWORK SERVICES (AKA
RIDE-HAILING)PURPOSE: To recommend that Council approve bylaws that authorize the City to
participate in an Inter-Municipal Business Licence scheme for
Transportation Network Services.**RECOMMENDATIONS:**

1. **THAT** Council approve the City of Burnaby's participation in an Inter-Municipal Business Licence scheme for Transportation Network Services as described in this report.
2. **THAT** Council authorize the City Solicitor to bring forward the *Inter-Municipal TNS Business Licence Agreement Bylaw*, substantially in the form set out in Attachment 1 of this report.
3. **THAT** Council authorize the City Solicitor to bring forward the *Inter-Municipal TNS Business Licence Bylaw*, substantially in the form set out in Attachment 2 of this report.

REPORT**1.0 INTRODUCTION**

This report recommends that Burnaby participate in an Inter-Municipal Business Licence for Transportation Network Services (TNS) companies (also known as ride-hailing or ride-sharing companies). The proposed Inter-Municipal Business Licence (IMBL) will streamline the licensing process across the region and allow TNS companies to operate in all participating municipalities under a single business licence. The IMBL will provide consistency for the TNS companies and also reduce administrative costs for each participating municipality.

An IMBL is a business licence that allows mobile businesses to operate across participating municipalities with the purchase of one licence. Pursuant to section 14 of the

To: City Manager
 From: Director Public Safety and Community Services
 Re: Transportation Network Systems Inter-Municipal Business Licence
 2020 February 27 Page 2

Community Charter, an IMBL is formed through common bylaws enacted by each participating municipality. In order for Burnaby to participate in the proposed IMBL, two bylaws will require enactment. The first bylaw is the *Inter-Municipal TNS Business Licence Agreement Bylaw* which allows municipalities to enter into an agreement with the participating municipalities (*Attachment 1*). It addresses terms such as the licence fee, revenue sharing formula and distribution, and overall administration of the IMBL. The second bylaw, the *Inter-Municipal TNS Business Licence Bylaw*, is the formal mechanism through which the IMBL is implemented in each municipality and sets out the various terms and conditions that apply to the IMBL scheme across the participating municipalities. (*Attachment 2*).

2.0 POLICY SECTION

The recommended actions align with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the plan:

- A Connected Community
 - Partnership - Work collaboratively with businesses, educational institutions, associations, other communities and governments
 - Geographic connection - Ensure that people can move easily through all areas of Burnaby, using any form of transportation

3.0 BACKGROUND

3.1 Recent Changes to the *Passenger Transportation Act*

In 2019 September, Provincial amendments to the *Passenger Transportation Act* came into effect to permit TNS operations in British Columbia. At the same time, Provincial legislation took effect that greatly reduced municipal authority to regulate Passenger Directed Vehicle (PDV) businesses, including the new ride-share operations.

The Province regulates PDVs (a class of vehicles that includes taxis, limousines, and ride-hailing vehicles) through the Passenger Transportation Act, the Motor Vehicle Act, and the Commercial Transportation Act. Companies that operate PDVs are licensed by the independent, provincially appointed BC Passenger Transportation Board (PTB).

The PTB now has sole authority to regulate company fleet size and composition, operational boundaries, to set vehicle standards, and to issue driver Chauffeur Permits. While the province's new regulations surrounding PDV activities limit the role of municipalities in establishing local regulations, municipalities retain authority to:

- Issue business licences (after companies have been licensed by the PTB);
- Set business licence requirements; and,

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- Regulate business activities, such as street and curb use and pick-up and drop-off locations, through bylaws.

Provincially the PTB has established a cross-municipal approach to TNS operational areas and has created five provincial regional operating boundaries (*Attachment 3*). Burnaby falls within Region 1 (Lower Mainland, Whistler) which is comprised of 31 municipalities in total, together with the UBC Endowment Lands and Vancouver International Airport.

3.2 IMBL Working Group

At their 2019 December 12 meeting, the Mayors' Council on Regional Transportation requested that TransLink act as facilitator for discussions with Region 1 municipalities in an effort to develop a TNS IMBL for the region by 2020 January 31.

In late 2019 December, a Region 1 IMBL Working Group was struck and has met weekly to develop an IMBL for ride-hailing since that time. In addition to municipal representatives, these meetings have also been attended by other non-municipal organizations such as the Ministry of Transportation and Infrastructure, UBC, and Vancouver International Airport Authority.

Culminating from this work, 25 of the 31 municipalities within the PTB Region 1 area, have now reached agreement on the proposed IMBL framework (list of participating and non-participating municipalities included as *Attachment 4*).

The necessary IMBL bylaws have been drafted and each of the participating municipalities will present the bylaws to their respective Councils in February and March, recommending approval. If approved, the IMBL will take effect in 2020 April.

Given the expedited process for development, the terms of the IMBL should be understood as interim. Participating municipalities will assess the effectiveness of the IMBL over the coming months, as more TNS companies are licensed and begin operating. Once a full assessment has been completed staff will provide Council with an update and further bylaw amendments may be recommended.

4.0 IMBL BYLAW PROVISIONS

As described below, the provisions in the IMBL Agreement Bylaw and the IMBL Bylaw include:

4.1 Licensing Authority

The City of Vancouver will be the sole issuer for the Region 1 TNS IMBL. All ride-hailing companies wanting to operate in multiple municipalities under a single licence will need to purchase the IMBL licence from Vancouver.

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However, should a TNS business choose to only operate within the geographical boundaries of Burnaby they would not require an IMBL. Under this scenario the company would only be required to purchase a Burnaby business licence. All Burnaby business licences will be issued and sold by the Burnaby Licence Office.

4.2 Licence Fees and Reporting Structure

TNS operators that purchase the IMBL will be required to pay \$155 for the company and a per vehicle fee of \$150 for each vehicle operating under the company. Incentives are provided for zero emission vehicles (reduced to \$30 per vehicle) and wheelchair accessible vehicles (reduced to \$0). The discounted fee for zero emission vehicles provides a meaningful incentive while acknowledging that they have an administrative cost and physical impact on streets. Wheelchair accessible vehicles are understood to be more expensive to purchase and maintain than non-accessible vehicles, and municipalities want to encourage their participation in ride-hailing as much as possible, therefore, a \$0 per vehicle fee is proposed.

The per vehicle fee structure was agreed upon as it can be implemented immediately; it enables incentives for specific vehicle types; and it is equitable among companies of all fleet sizes.

The IMBL fees will be pro-rated on a monthly basis to align with the City of Vancouver's calendar licensing structure. Companies will self-report monthly all new vehicles operating under their licence, and whether they are standard, zero emission, or wheelchair accessible. Once a vehicle has been reported and the associated fee paid, the vehicle may operate for the remainder of the calendar year. Participating municipalities will be advised monthly of new vehicle additions, for the purposes of street use management.

The per vehicle fee of \$150 was set with the aim of achieving administrative program cost recovery and recovery of costs to participating municipalities associated with monitoring business activity and impacts in their communities. Because ride-hailing is a new business type the full costs of licensing and monitoring are not yet known. The licence fee is an estimate based on comparable licensing fees in other Canadian jurisdictions such as the City of Calgary. Future adjustments may be required.

4.3 Licence Fee Revenue Sharing

As the issuing authority, the City of Vancouver will collect all licence fees and will retain funds sufficient to recover the costs of IMBL set up and on-going licence administration (a description of the services and fees are included in *Attachment 5*). Any remaining funds will be distributed among participating municipalities based on the percent of total regional pick-ups and drop-offs that occur within each of their boundaries. The Province will make the data available to all municipalities (see section 5.3 of this report).

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Year 1 of the IMBL program includes set-up costs that are expected to fall in subsequent years as the program is regularized. At the end of each licence year, the City of Vancouver will provide participating municipalities with a year-end accounting of costs, and revenue to be shared.

4.4 Licence Requirements

Companies will be required to comply with the municipal bylaws and regulations of each participating municipality. Each participating municipality will retain authority to enforce its own bylaws, for example street and traffic regulations, and also to suspend or cancel an IMBL. Because suspension or cancellation of a licence would affect all participating municipalities, staff in participating municipalities will establish a shared protocol for escalating enforcement prior to any municipality considering suspension or cancellation. This protocol will typically include communicating with the Provincial Registrar and Passenger Transportation Branch about on-going concerns with a company or vehicle.

5.0 PROVINCIAL TNS RESPONSIBILITIES

5.1 Provincial Responsibilities for Enforcement

The Province will be responsible for enforcing compliance with provincial regulations and licence conditions. Field investigations will be carried out by the Commercial Vehicle Safety and Enforcement (CVSE) Branch; the Registrar of the Passenger Transportation Branch is authorized to investigate and audit companies for issues including compliance with licence conditions and public safety. At this time, the number of provincial enforcement staff that will be assigned to address potential issues is not available.

5.2 TNS Accessible Vehicle Service Fee and Potential Uses for the Fee

Accessible taxi vehicles have become an essential transportation link for many vulnerable citizens experiencing mobility issues. Historically, when determining how many vehicles within a given taxi fleet must be accessible, the PTB considers a number of factors. There are, however, no objective regulations (for example a flat requirement of 20%) that govern accessible vehicle numbers and vehicle counts vary across municipal boundaries and taxi businesses. Within Burnaby, Bonny's Taxi Ltd. has been provided PTB licences to operate 187 taxi vehicles of which 30 (approximately 16%) are required to be accessible. In order to ensure that the needs of Burnaby citizens that require accessible services were being met, the *Burnaby Cab Regulation Bylaw 2009* included requirements that 15% of a taxi business fleet must be accessible vehicles.

As previously mentioned, the PTB now has the sole authority over the size and composition of PDVs, including TNS operations. At this time, unlike taxi operators, TNS companies are not required to offer accessible vehicles within their respective fleets. Instead Provincial regulations require TNS companies to submit a \$.30 fee for each

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vehicle trip. The per trip fee is intended to support transportation options for the accessible community.

The Province has advised that they have completed a jurisdictional scan in other areas/cities that have also instituted an accessibility per trip fee. In some cases these fees have been used to support the existing taxi industry to ensure that wheelchair accessible vehicles are viable and support the community they serve. Consultations have begun with the taxi industry and will continue with other stakeholders over the coming months, to assist in guiding government decisions for ways that the revenue from the per trip fee can be used to continue to support accessibility.

It has been reported that many jurisdictions have taken upwards of two years post TNS implementation to fund programs to support accessibility as it takes time for TNS to fully penetrate the market and for revenue projections to stabilize. In recognition of this, the Province has advised that it is exploring both short term and long term options for the per trip fee.

5.3 Municipal Access to Provincial TNS Data

Access to detailed trip data is critical for municipalities in understanding the impact of ride-hailing in their communities at both the system-wide and street levels. At the street level it can be used to establish solutions to mitigate safety concerns and congestion impacts. For example, identification of locations for supportive infrastructure like street parking repurposed into ride-hailing pick-up and drop-off zones. It can also highlight locations that may require enforcement attention.

Prior to the establishment of the IMBL working group, the PTB had advised municipalities that it intended to collect comprehensive vehicle and trip data from all TNS companies. During the initial IMBL discussions, it was proposed that licensed TNS operators would be required to provide similar monthly data to Vancouver in order to qualify for an IMBL. Vancouver would then filter the data to only include the respective data for each individual IMBL participant, and then send it to the participating community.

In early February, the Province announced that municipalities will now be able to access the data on a regular, on-going basis through a Partnership Agreement with the Province. As a result Vancouver will not be required to distribute the data directly to other municipalities. Consequently, detailed trip data will not be a requirement of the IMBL. Instead municipalities will benefit from access to provincial data, and companies will benefit from not having to duplicate data submission efforts. In addition, municipalities will have access to the provincial data regardless of whether they are IMBL participants or not.

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6.0 FUTURE BYLAW AMENDMENTS

In the coming months staff will continue to review the TNS data. Should the data indicate congestion or other issues as a result of TNS operations, staff may recommend that Council amend the City's *Burnaby Street and Traffic Bylaw* to add a pick-up or drop-off fee for TNS vehicles at various locations throughout the City. The City of Vancouver has implemented a congestion fee for some parts of Vancouver under its *Street and Traffic Bylaw*.

Also, the City's *Burnaby Cab Regulation Bylaw* will require repeal and/or amendments in order to ensure the bylaw regulations are compatible with the decreased municipal authority under the *Passenger Transportation Act*. Further, staff will bring forward a report to a future Council meeting to recommend aligning the business licence fees currently charged to taxi operators with the TNS IMBL fees so that TNS companies and taxi companies pay the same licence fees. This will require amendments to the *Burnaby Business Licence Fee Bylaw*.

7.0 RECOMMENDATION

There is strong public support for ride-hailing in the Lower Mainland. To date the PTB has authorized five companies to operate in Region 1, with additional companies expected to be provided approval in the near future. The proposed IMBL for ride-hailing will support the regional rollout of the industry as companies will be able to operate in participating municipalities with only one business licence.

In accordance with this report, staff recommend that Council authorize the City Solicitor to bring forward the following bylaws:


- (a) *Inter-Municipal TNS Business Licence Agreement Bylaw*; and,
- (b) *Inter-Municipal TNS Business Licence Bylaw*,

Substantially in the form set out in Attachment 1 and Attachment 2 of this report. The bylaws appear elsewhere on this Council agenda for consideration for 1st, 2nd and 3rd readings.

The *Community Charter* requires that before adopting a bylaw in regards to business regulation, Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council. In order to ensure all interested parties are provided sufficient notification, notice of the proposed *Inter-municipal TNS Business Licence Agreement Bylaw* and *Inter-municipal TNS Business Licence Bylaw* will be advertised in the local newspaper for two consecutive weeks after first readings of the above bylaws. The notice will provide a deadline of noon, 2020 March 25 to make written submissions. All responses will be collected and provided to Council prior to final adoption of the bylaws.

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Should Council approve the recommendation to participate in the IMBL scheme and adopt the related bylaws for TNS companies under the terms described in this report, the IMBL scheme will be effective in Burnaby on the date of adoption of the bylaws (anticipated to be 2020 April 06).


Dave Critchley
Director Public Safety and Community Services

:dl

Attachments: 1 – IMBL Agreement Bylaw
 2 – IMBL Bylaw
 3 – PTB Regional Operating Areas
 4 – IMBL Participants and Non-Participants
 5 – City of Vancouver Administration Costs

Copied to: Director Finance
 Director Planning and Building
 Director Engineering
 Director Corporate Services
 City Solicitor

Attachment #1 IMBL Agreement Bylaw

BY-LAW NO. _____

**A By-law to enter into an agreement among the Participating Municipalities
regarding an Inter-municipal Transportation Network Services Business Licence Scheme**

THE COUNCIL OF THE CITY OF BURNABY, in public meeting, enacts as follows:

1. Council hereby authorizes the City to enter into an Agreement with the Participating Municipalities in substantially the form and substance of the Agreement attached to this By-law as Schedule A, and also authorizes the City Clerk to execute the Agreement on behalf of the City, and to deliver it to the Participating Municipalities on such terms and conditions as the City Solicitor and Chief Licence Inspector deem fit.
2. This By-law is to come into force and take effect on the date of its enactment.
3. This By-law is to be cited as the "**Inter-municipal TNS Business Licence Agreement By-law 2020**".

FIRST READING day of _____, 2020

SECOND READING day of _____, 2020

THIRD READING day of _____, 2020

ADOPTION day of _____, 2020

MAYOR

CITY CLERK

Attachment #1 Continued

Schedule A

Inter-municipal TNS Business Licence Agreement

WHEREAS the City of Abbotsford, the Village of Anmore, the Bowen Island Municipality, the City of Burnaby, the City of Chilliwack, the City of Coquitlam, the City of Delta, the Village of Harrison Hot Springs, the Corporation of the City of Langley, the Corporation of the Township of Langley, the Village of Lions Bay, the City of Maple Ridge, the Corporation of the City of New Westminster, the Corporation of the City of North Vancouver, the Corporation of the District of North Vancouver, the City of Pitt Meadows, the Corporation of the City of Port Coquitlam, the City of Port Moody, the City of Richmond, the District of Squamish, the City of Surrey, the City of Vancouver, the Corporation of the District of West Vancouver, the Resort Municipality of Whistler, and the Corporation of the City of White Rock (the "*Participating Municipalities*"), wish to permit transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

NOW THEREFORE the *Participating Municipalities* agree as follows:

1. The *Participating Municipalities* agree to establish an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The *Participating Municipalities* will request their respective municipal Councils to each ratify this Agreement and enact a by-law to implement an *Inter-municipal TNS Business Licence* scheme effective April 1, 2020 if this Agreement is ratified and a by-law is enacted prior to or on April 1, 2020, or upon the date of enactment if this Agreement is ratified and a by-law is enacted after April 1, 2020.

3. In this Agreement:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Administrative Costs*" means the direct and indirect costs and investments attributable to setting up and administering the *Inter-municipal TNS Business Licence* scheme, including wages, materials, corporate overhead and rent;

"*Business*" has the same meaning as in the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"*Inter-municipal TNS Business Licence*" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*; Atta

Attachment #1 Continued

"Inter-municipal TNS Business Licence By-law" means the by-law adopted by the Council of each *Participating Municipality* to implement the *Inter-municipal TNS Business Licence* scheme contemplated by this Agreement;

"Mobility Aid" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Municipal Business Licence" means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

"Participating Municipality" means any one of the *Participating Municipalities*;

"Premises" means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

"TNS Business" means a person carrying on the business of providing *Transportation Network Services*;

"Transportation Network Services" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Vancouver Charter" means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

"Zero Emission Vehicle" means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of the *Inter-municipal TNS Business Licence By-law*, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
5. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
6. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of the *Inter-municipal TNS Business Licence By-law*, in addition to the requirements of the City of Vancouver's License By-law No. 4450.
7. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any other by-laws,

Attachment #1 Continued

8. regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
9. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.
10. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 9.
11. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
12. The City of Vancouver will distribute the revenue generated from *Inter-municipal TNS Business Licence* fees amongst all *Participating Municipalities* based on the City of Vancouver retaining an amount to cover its *Administrative Costs*, with the remaining fees to be distributed proportionally to the *Participating Municipalities*, including the City of Vancouver, based on the number of pick-ups and drop-offs in that *Participating Municipality*. The City of Vancouver will provide the other *Participating Municipalities* with an itemized accounting of the fees collected and disbursed, including an accounting of its *Administrative Costs*, at the time it distributes the remaining fees to those *Participating Municipalities*.
13. If the revenue generated from *Inter-municipal TNS Business Licence* fees in the initial year is insufficient to cover the *Administrative Costs* relating to the initial set up of the scheme, then the City of Vancouver may retain such portion of the *Inter-municipal TNS Business Licence* fees collected in the subsequent year or years as is necessary to reimburse the City of Vancouver for such initial *Administrative Costs*, until the full amount has been recovered.
14. Any revenue payable to a *Participating Municipality* in the initial year will be offset by any fees collected and not refunded by that *Participating Municipality* for a *Municipal Business License* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence*, and if the fees collected by the *Participating Municipality* exceed the amount owing to that *Participating Municipality*, then that *Participating Municipality* shall remit the difference to the City of Vancouver for inclusion in the revenue distribution set out above.

Attachment #1 Continued

15. The revenue generated from *Inter-municipal TNS Business Licence* fees collected from January 1 to December 31 inclusive that is to be distributed to the *Participating Municipalities* in accordance with section 11, including the fees collected for any additional vehicles under section 10, will be distributed by the City of Vancouver by February 28 of the year following the year in which fees were collected.
16. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
17. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with the *Inter-municipal TNS Business Licence By-law*, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
18. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
19. A *Participating Municipality* may exercise the authority of the of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
20. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 17 or 18 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.
21. Nothing in this Agreement affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.

Attachment #1 Continued

22. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:
- (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
 - (b) include a certified copy of the municipal Council resolution or by-law authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
22. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Councils of the *Participating Municipalities*. Further, nothing contained or implied in this Agreement shall prejudice or affect the *Participating Municipalities'* rights, powers, duties or obligations in the exercise of their functions pursuant to the *Community Charter*, *Vancouver Charter*, or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the *Participating Municipalities'* discretion, and the rights, powers, duties and obligations under all public and private statutes, by-laws, orders and regulations, which may be, if each *Participating Municipality* so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the *Participating Municipalities*.
23. Despite any other provision of this Agreement, an *Inter-municipal TNS Business Licence* granted in accordance with the *Inter-municipal TNS Business Licence Bylaw* does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*. Furthermore, a business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this Agreement even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.
24. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and may be delivered by email or facsimile transmission, and each such counterpart, howsoever delivered, shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the *Participating Municipalities* are not signatories to the original or the same counterpart.
25. In the event that the municipal Council of a *Participating Municipality* other than the City of Vancouver does not ratify this Agreement, then that municipality will not be considered a *Participating Municipality* for the purposes of this Agreement, and the terms and conditions of this Agreement shall be effective as among the other *Participating Municipalities*.

Signed and delivered on behalf of the *Participating Municipalities*, the Councils of each of which have, by By-law, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

Attachment #1 Continued

The City of Abbotsford

Mayor

Corporate Officer

Date

Village of Anmore

Mayor

Corporate Officer

Date

Bowen Island Municipality

Mayor

Corporate Officer

Date

City of Burnaby

Mayor

City Clerk

Date

City of Chilliwack

Mayor

Corporate Officer

Date

Attachment #1 Continued

City of Coquitlam

Mayor

City Clerk

Date

City of Delta

Mayor

City Clerk

Date

Village of Harrison Hot Springs

Mayor

Corporate Officer

Date

The Corporation of the City of Langley

Mayor

Corporate Officer

Date

The Corporation of the Township of Langley

Mayor

Township Clerk

Date

Attachment #1 Continued

Village of Lions Bay

Mayor

Corporate Officer

Date

City of Maple Ridge

Presiding Member

Corporate Officer

Date

The Corporation of the City of New Westminster

Mayor

City Clerk

Date

The Corporation of the City of North Vancouver

Mayor

City Clerk

Date

The Corporation of the District of North Vancouver

Mayor

Municipal Clerk

Date

Attachment #1 Continued

The City of Pitt Meadows

Mayor

Corporate Officer

Date

The Corporation of the City of Port Coquitlam

Mayor

Corporate Officer

Date

City of Port Moody

Mayor

Corporate Officer

Date

The City of Richmond

Chief Administrative Officer

General Manager

Corporate and Financial Services

Date

District of Squamish

Mayor

Corporate Officer

Date

Attachment #1 Continued

City of Surrey

Mayor

City Clerk

Date

The City of Vancouver

Mayor

Director of Legal Services

Date

The Corporation of the District of West Vancouver

Mayor

Corporate Officer

Date

Resort Municipality of Whistler

Mayor

Municipal Clerk

Date

The Corporation of the City of White Rock

Mayor

Director of Corporate Administration

Date

Attachment #2 IMBL Bylaw

BY-LAW NO. _____

WHEREAS the municipalities that have entered or will enter into the *Inter-municipal TNS Business Licence Agreement* (the "*Participating Municipalities*") wish to permit licensed transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

AND WHEREAS each of the *Participating Municipalities* has or will adopt a similar by-law to implement the *Inter-municipal TNS Business Licence* scheme;

NOW THEREFORE THE COUNCIL OF THE CITY OF BURNABY, in public meeting, enacts as follows:

1. There is hereby established an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.

2. In this By-law:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Business*" has the same meaning as in the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"*Inter-municipal TNS Business Licence*" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;

"*Mobility Aid*" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39. as may be amended or replaced from time to time;

"*Municipal Business Licence*" means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

"*Participating Municipality*" means any one of the *Participating Municipalities*;

"*Premises*" means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

"*TNS Business*" means a person carrying on the business of providing *Transportation Network Services*;

Attachment #2 Continued

"*Transportation Network Services*" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"*Vancouver Charter*" means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

"*Zero Emission Vehicle*" means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

3. Subject to the provisions of this By-law, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
4. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
5. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of this By-law, in addition to the requirements of the City of Vancouver's License By-law No. 4450.
6. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any other by-laws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
7. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.
8. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 8.
9. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 8, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.

Attachment #2 Continued

10. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-
11. rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
12. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with this By-law, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
13. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
14. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
15. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 12 or 13 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.
16. Nothing in this By-law affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.
17. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:

Attachment #2 Continued

- (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
 - (b) include a certified copy of the municipal Council resolution or by-law authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
18. The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of any other provisions of this By-law and any such invalid or unenforceable provision shall be deemed to be severable.
19. Despite any other provision of this By-law, an *Inter-municipal TNS Business Licence* granted in accordance with this By-law does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*.
20. A business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this By-law, even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.
21. This By-law is to be cited as the "**Inter-municipal TNS Business Licence Bylaw 2020**".

FIRST READING	day of _____, 2020
SECOND READING	day of ___, 2020
THIRD READING	day of ___, 2020
ADOPTION	day of ___, 2020

MAYOR

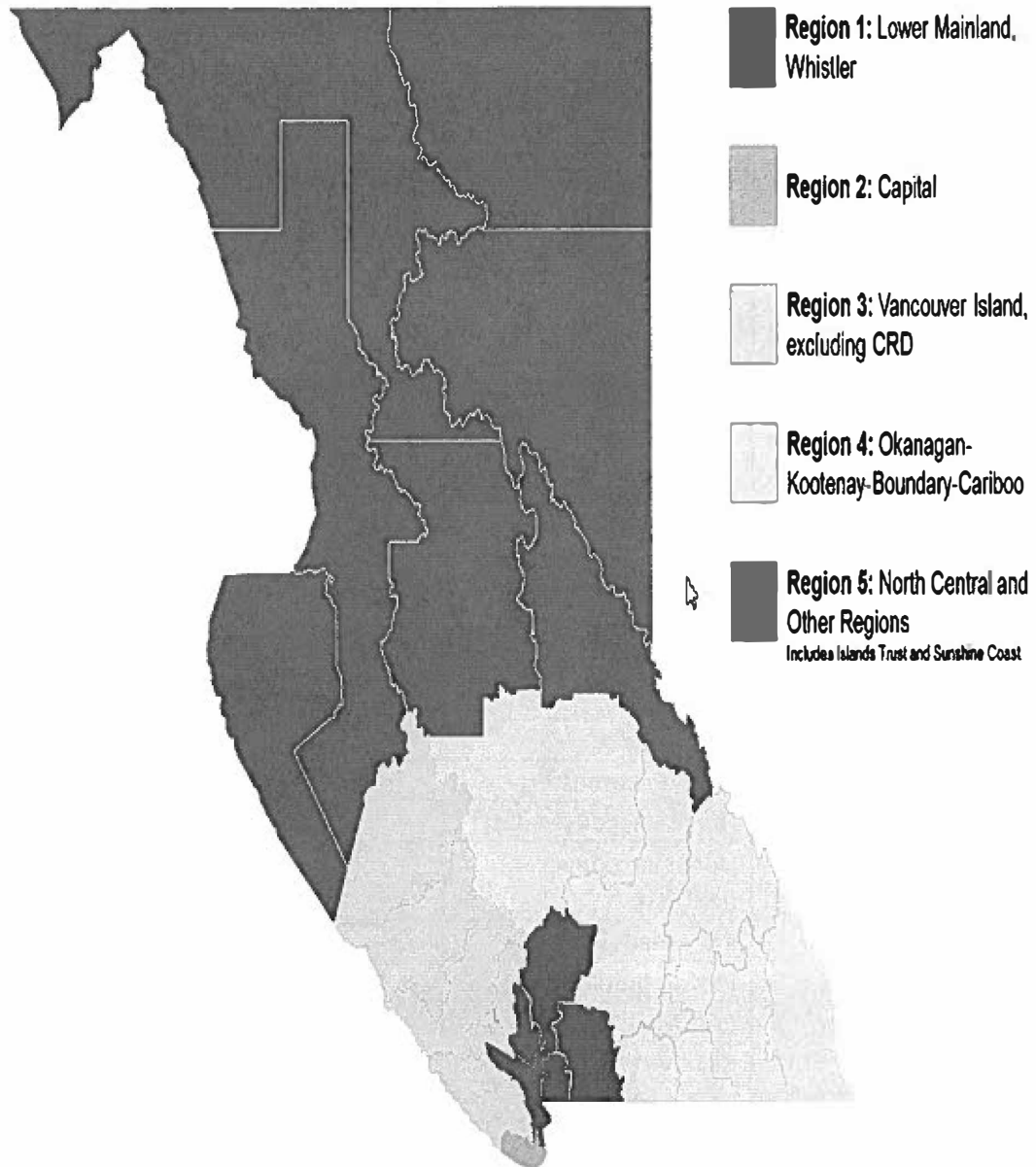
CITY CLERK

Attachment #3 PTB Regional Operating Areas

PTB Established Operational Regions for TNS operators

Region 1: (Lower Mainland, Whistler) <ul style="list-style-type: none"> • Metro Vancouver • Fraser Valley • Squamish-Lillooet 	Region 2(Capital) <ul style="list-style-type: none"> • Capital Regional District 	Region 3 (Vancouver Island, excluding CRD) <ul style="list-style-type: none"> • Cowichan Valley • Nanaimo • Comox Valley • Alberni-Clayoquot • Strathcona • Mt. Waddington • Qathet (Powell River)
Region 4 (Okanagan-Kootenay Boundary-Cariboo) <ul style="list-style-type: none"> • Okanagan-Similkameen • Central Okanagan • North Okanagan • Kootenay Boundary • Shuswap Cariboo • Thompson-Nicola • Columbia 	Region 5 (BC North Central & other regions of BC) <ul style="list-style-type: none"> • Fraser-Fort George • Bulkley Nechako • Kitimat-Stikine • Peace River • Northern Rockies • North Coast • Island Trust • Sunshine Coast 	

Attachment #3 Continued



Attachment #4 List Region 1 IMBL Participants and Non-Participants

Region 1 Municipality	Participant in IMBL
Belcarra	No
District of Lillooet	No
Hope	No
Kent	No
Mission	No
Pemberton	No
Abbotsford	Yes
Anmore	Yes
Bowen Island	Yes
Burnaby	Yes
Chilliwack	Yes
Coquitlam	Yes
Delta	Yes
Harrison Hot Springs	Yes
Langley (City)	Yes
Langley (Township)	Yes
Lions Bay	Yes
Maple Ridge	Yes
New Westminster	Yes
North Vancouver (City)	Yes
North Vancouver (District)	Yes
Pitt Meadows	Yes
Port Coquitlam	Yes
Port Moody	Yes
Richmond	Yes
Squamish	Yes
Surrey	Yes
Vancouver	Yes
West Vancouver District	Yes
Whistler	Yes
White Rock	Yes

Attachment #5 <i>City of Vancouver Admin Costs</i>

City of Vancouver IMBL Administrative Program Cost – Year One

The City of Vancouver will retain licence fee revenue sufficient to recover IMBL administrative program costs. Any remaining funds will be distributed among participating municipalities based on the percent of total regional pick-ups and drop-offs that occur within each of their boundaries.

Estimated Year 1 Total Cost: \$140,000

Includes:

- Privacy Management
- Legal Services
- Policy Development
- Corporate Overhead, Materials and Rent
- Licence processing including fee administration and reconciliation

BY-LAW NO. 14138

A By-law to enter into an agreement
among the Participating Municipalities
regarding an Inter-municipal Transportation
Network Services Business Licence Scheme

THE COUNCIL OF THE CITY OF BURNABY, in public meeting, enacts as follows:

1. Council hereby authorizes the City to enter into an Agreement with the Participating Municipalities in substantially the form and substance of the Agreement attached to this Bylaw as Schedule "A", and also authorizes the City Clerk to execute the Agreement on behalf of the City, and to deliver it to the Participating Municipalities on such terms and conditions as the City Solicitor and Chief Licence Inspector deem fit.
2. This By-law is to come into force and take effect on the date of its enactment.
3. This By-law is to be cited as the "**Burnaby Inter-municipal TNS Business Licence Agreement Bylaw 2020**".

FIRST READING day of _____, 2020

SECOND READING day of _____, 2020

THIRD READING day of _____, 2020

ADOPTION day of _____, 2020

MAYOR

CITY CLERK

SCHEDULE “A”

Inter-municipal TNS Business Licence Agreement

WHEREAS the City of Abbotsford, the Village of Anmore, the Bowen Island Municipality, the City of Burnaby, the City of Chilliwack, the City of Coquitlam, the City of Delta, the Village of Harrison Hot Springs, the Corporation of the City of Langley, the Corporation of the Township of Langley, the Village of Lions Bay, the City of Maple Ridge, the Corporation of the City of New Westminster, the Corporation of the City of North Vancouver, the Corporation of the District of North Vancouver, the City of Pitt Meadows, the Corporation of the City of Port Coquitlam, the City of Port Moody, the City of Richmond, the District of Squamish, the City of Surrey, the City of Vancouver, the Corporation of the District of West Vancouver, the Resort Municipality of Whistler, and the Corporation of the City of White Rock (the “*Participating Municipalities*”), wish to permit transportation network services (“*TNS*”) businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

NOW THEREFORE the *Participating Municipalities* agree as follows:

1. The *Participating Municipalities* agree to establish an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The *Participating Municipalities* will request their respective municipal Councils to each ratify this Agreement and enact a by-law to implement an *Inter-municipal TNS Business Licence* scheme effective April 1, 2020 if this Agreement is ratified and a by-law is enacted prior to or on April 1, 2020, or upon the date of enactment if this Agreement is ratified and a by-law is enacted after April 1, 2020.

3. In this Agreement:

“*Accessible Vehicle*” means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

“*Administrative Costs*” means the direct and indirect costs and investments attributable to setting up and administering the *Inter-municipal TNS Business Licence* scheme, including wages, materials, corporate overhead and rent;

“*Business*” has the same meaning as in the *Community Charter*;

“*Community Charter*” means the Community Charter, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

“*Inter-municipal TNS Business*” means a *TNS Business* that has been licensed to operate

in the Region 1 operating area by the Passenger Transportation Board;

“Inter-municipal TNS Business Licence” means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*; *Atta*

“Inter-municipal TNS Business Licence By-law” means the by-law adopted by the Council of each *Participating Municipality* to implement the *Inter-municipal TNS Business Licence* scheme contemplated by this Agreement;

“Mobility Aid” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“Municipal Business Licence” means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

“Participating Municipality” means any one of the *Participating Municipalities*;

“Premises” means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

“TNS Business” means a person carrying on the business of providing *Transportation Network Services*;

“Transportation Network Services” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“Vancouver Charter” means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

“Zero Emission Vehicle” means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of the *Inter-municipal TNS Business Licence By-law*, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
5. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.

6. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of the *Inter-municipal TNS Business Licence By-law*, in addition to the requirements of the City of Vancouver's License By-law No. 4450.
7. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any other by-laws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
8. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.
9. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 9.
10. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
11. The City of Vancouver will distribute the revenue generated from *Inter-municipal TNS Business Licence* fees amongst all *Participating Municipalities* based on the City of Vancouver retaining an amount to cover its *Administrative Costs*, with the remaining fees to be distributed proportionally to the *Participating Municipalities*, including the City of Vancouver, based on the number of pick-ups and drop-offs in that *Participating Municipality*. The City of Vancouver will provide the other *Participating Municipalities* with an itemized accounting of the fees collected and disbursed, including an accounting of its *Administrative Costs*, at the time it distributes the remaining fees to those *Participating Municipalities*.
12. If the revenue generated from *Inter-municipal TNS Business Licence* fees in the initial year is insufficient to cover the *Administrative Costs* relating to the initial set up of the scheme, then the City of Vancouver may retain such portion of the *Inter-municipal TNS Business Licence* fees collected in the subsequent year or years as is necessary to

reimburse the City of Vancouver for such initial *Administrative Costs*, until the full amount has been recovered.

13. Any revenue payable to a *Participating Municipality* in the initial year will be offset by any fees collected and not refunded by that *Participating Municipality* for a *Municipal Business License* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence*, and if the fees collected by the *Participating Municipality* exceed the amount owing to that *Participating Municipality*, then that *Participating Municipality* shall remit the difference to the City of Vancouver for inclusion in the revenue distribution set out above.
14. The revenue generated from *Inter-municipal TNS Business Licence* fees collected from January 1 to December 31 inclusive that is to be distributed to the *Participating Municipalities* in accordance with section 11, including the fees collected for any additional vehicles under section 10, will be distributed by the City of Vancouver by February 28 of the year following the year in which fees were collected.
15. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
16. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with the *Inter-municipal TNS Business Licence By-law*, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
17. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
18. A *Participating Municipality* may exercise the authority of the of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation

- to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
19. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 17 or 18 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.
 20. Nothing in this Agreement affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.
 21. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
 - (b) include a certified copy of the municipal Council resolution or by-law authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
 22. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Councils of the *Participating Municipalities*. Further, nothing contained or implied in this Agreement shall prejudice or affect the *Participating Municipalities'* rights, powers, duties or obligations in the exercise of their functions pursuant to the *Community Charter*, *Vancouver Charter*, or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the *Participating Municipalities'* discretion, and the rights, powers, duties and obligations under all public and private statutes, by-laws, orders and regulations, which may be, if each *Participating Municipality* so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the *Participating Municipalities*.
 23. Despite any other provision of this Agreement, an *Inter-municipal TNS Business Licence* granted in accordance with the *Inter-municipal TNS Business Licence Bylaw* does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*. Furthermore, a business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this Agreement even if a *Participating Municipality* is a participating member

of the other inter-municipal *TNS Business* licence scheme.

24. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and may be delivered by email or facsimile transmission, and each such counterpart, howsoever delivered, shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the *Participating Municipalities* are not signatories to the original or the same counterpart.
25. In the event that the municipal Council of a *Participating Municipality* other than the City of Vancouver does not ratify this Agreement, then that municipality will not be considered a *Participating Municipality* for the purposes of this Agreement, and the terms and conditions of this Agreement shall be effective as among the other *Participating Municipalities*.

Signed and delivered on behalf of the *Participating Municipalities*, the Councils of each of which have, by By-law, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

The City of Abbotsford

Mayor _____

Corporate Officer _____

Date _____

Village of Anmore

Mayor _____

Corporate Officer _____

Date _____

Bowen Island Municipality

Mayor _____

Corporate Officer _____

Date _____

City of Burnaby

Mayor _____

City Clerk _____

Date _____

City of Chilliwack

Mayor _____

Corporate Officer _____

Date _____

City of Coquitlam

Mayor _____

City Clerk _____

Date _____

City of Delta

Mayor _____

City Clerk _____

Date _____

Village of Harrison Hot Springs

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the City of Langley

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the Township of Langley

Mayor _____

Township Clerk _____

Date _____

Village of Lions Bay

Mayor _____

Corporate Officer _____

Date _____

City of Maple Ridge

Presiding Member _____

Corporate Officer _____

Date _____

The Corporation of the City of New Westminster

Mayor _____

City Clerk _____

Date _____

The Corporation of the City of North Vancouver

Mayor _____

City Clerk _____

Date _____

The Corporation of the District of North Vancouver

Mayor _____

Municipal Clerk _____

Date _____

The City of Pitt Meadows

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the City of Port Coquitlam

Mayor _____

Corporate Officer _____

Date _____

City of Port Moody

Mayor _____

Corporate Officer _____

Date _____

The City of Richmond

Chief Administrative Officer _____

General Manager _____

Corporate and Financial Services _____

Date _____

District of Squamish

Mayor _____

Corporate Officer _____

Date _____

City of Surrey

Mayor _____

City Clerk _____

Date _____

The City of Vancouver

Mayor _____

Director of Legal Services _____

Date _____

The Corporation of the District of West Vancouver

Mayor _____

Corporate Officer _____

Date _____

Resort Municipality of Whistler

Mayor _____

Municipal Clerk _____

Date _____

The Corporation of the City of White Rock

Mayor _____

Director of Corporate Administration _____

Date _____

BY-LAW NO. 14139

A Bylaw to establish the
Inter-municipal Transportation Network
Services Business Licence Scheme

The Council of the City of Burnaby ENACTS as follows:

WHEREAS the municipalities that have entered or will enter into the *Inter-municipal TNS Business Licence Agreement* (the “*Participating Municipalities*”) wish to permit licensed transportation network services (“*TNS*”) businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

AND WHEREAS each of the *Participating Municipalities* has or will adopt a similar by-law to implement the *Inter-municipal TNS Business Licence* scheme;

NOW THEREFORE THE COUNCIL OF THE CITY OF BURNABY, in public meeting, enacts as follows:

1. There is hereby established an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.

2. In this By-law:

“*Accessible Vehicle*” means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

“*Business*” has the same meaning as in the *Community Charter*;

“*Community Charter*” means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

“*Inter-municipal TNS Business*” means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

“*Inter-municipal TNS Business Licence*” means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;

“*Mobility Aid*” has the same meaning as in the *Passenger Transportation Act*, S.B.C. 2004, c. 39, as may be amended or replaced from time to time;

“*Municipal Business Licence*” means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that

authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

“*Participating Municipality*” means any one of the *Participating Municipalities*;

“*Premises*” means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

“*TNS Business*” means a person carrying on the business of providing *Transportation Network Services*;

“*Transportation Network Services*” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“*Vancouver Charter*” means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

“*Zero Emission Vehicle*” means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

3. Subject to the provisions of this By-law, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
4. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
5. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of this By-law, in addition to the requirements of the City of Vancouver’s License By-law No. 4450.
6. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any other by-laws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
7. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.

8. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 8.
9. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 8, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
10. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-
11. rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
12. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with this By-law, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
13. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
14. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or

the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.

15. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 12 or 13 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.
16. Nothing in this By-law affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.
17. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
 - (b) include a certified copy of the municipal Council resolution or by-law authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
18. The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of any other provisions of this By-law and any such invalid or unenforceable provision shall be deemed to be severable.
19. Despite any other provision of this By-law, an *Inter-municipal TNS Business Licence* granted in accordance with this By-law does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*.
20. A business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this By-law, even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.
21. This By-law is to be cited as the “**Burnaby Inter-municipal TNS Business Licence Bylaw 2020**”.

FIRST READING

day of _____, 2020

SECOND READING

day of _____, 2020

THIRD READING

day of _____, 2020

ADOPTION

day of _____, 2020

MAYOR

CITY CLERK

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BYLAW NO. 14141

The Council of the City of Burnaby ENACTS as follows:

- | | | |
|-------------------------------|--------|--------|
| Read a first time this | day of | , 2020 |
| Read a second time this | day of | , 2020 |
| Read a third time | day of | , 2020 |
| Reconsidered and adopted this | day of | , 2020 |

CLERK

CITY OF BURNABY**BYLAW NO. 14135**

A BYLAW authorizing the expenditure of monies in the
Capital Works, Machinery and Equipment
Reserve Fund

WHEREAS there is an unappropriated balance in the Capital Works Financing Fund of Capital Works, Machinery and Equipment Reserve Fund (hereinafter called "the said Reserve Fund") established pursuant to Bylaw No. 7256 of \$46,375,806.65 at the 1st day of March 2020, calculated as follows:

Balance in Fund at January 1, 2020	\$98,812,467.51
Add: Additions to the fund including interest earned to date	<u>1,083,739.14</u>
	\$99,896,206.65
Less: Appropriated by expenditure bylaws for 2019 (No. 36), less GST	\$4,337,400.00
Appropriated by expenditure bylaws for 2020 (No's 1-8), less GST	\$47,441,400.00
Appropriations for 2020 Other Projects less GST	\$1,741,600.00
	<u>\$ (53,520,400.00)</u>
Uncommitted balance	\$46,375,806.65

AND WHEREAS it is deemed desirable to expend \$17,203,900 to finance the 2020 February Engineering Capital Infrastructure Bylaw Funding Request (hereinafter called the "said works");

NOW THEREFORE the Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY CAPITAL WORKS, MACHINERY AND EQUIPMENT RESERVE FUND EXPENDITURE BYLAW NO. 9, 2020.**
2. The sum of \$17,203,900 is hereby appropriated from the said Reserve Fund to be expended for the said works.
3. Should any of the said sum of \$17,203,900 remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Reserve Fund.

Read a first time this	day of	2020
Read a second time this	day of	2020
Read a third time this	day of	2020
Reconsidered and adopted by Council this	day of	2020

MAYOR

CLERK