



## “Morramorinbeafinemorin” Or How to become an Honorary Newfoundlander!!

I hopped on the red-eye out of Vancouver on October 24, 2300hrs, already tired from an early start to my day. 14 hours and 5 time zones later, I touched down in beautiful St. John’s, Newfoundland, even more tired, and trying to figure out what language these folks were speaking! Friendly, even more so than their reputation indicates, but REALLY difficult to understand. No worries, I thought...I speak rum fluently...how difficult can this be?

After catching up on some much needed rest, and a short walk up Signal Hill, I felt ready for an exciting week. I was in town to attend the Newfoundland and Labrador Region Harbour Authority Seminar, but this wasn’t just another conference.

2011 marks the beginning of another big change for the Harbour Authority system in this country. Like their counterparts in Pacific Region, the Boards and Managers of HA’s in NL & Labrador recognized the benefits of coming together as an Association to promote communication, education and sustainability. So just before the Seminar, the Harbour Authority Association of Newfoundland and Labrador (HAANL) was incorporated and a Board was formed. For this seminar, the Program Officers and staff of SCH looked after the organizational challenges and the Agenda, which I’m sure the new Board appreciated! They are still taking ‘baby steps’, at this point, and were very interested in how the HAABC does things. I had the opportunity to sit down with a few of the Board members, in particular, Vice-Chair Kim Blackwood from the Harbour Authority of Carmanville, and Marguerite Farrell-Drake, from the Harbour Authority of Burin, and talk about the benefits of Membership, Policies and Procedures, and Conference Planning. Given the dramatic differences between the Pacific Region and all other regions in the SCH system, sometimes our methods just don’t work elsewhere, but we did find a lot of common ground and I believe they were very appreciative of the materials we provided to them on our USB memory sticks. I think the greatest contribution we can make in the Harbour Authority program is sharing our experience and knowledge with other HAs, whether they’re in Pacific Region or any of the other regions. All mariners know that sometimes the safest path in unfamiliar waters is to follow in another’s wake!

The week was filled with many informative and entertaining activities including numerous facility tours – I was very fortunate to be able to visit the Canada Research Council ‘Tank Test Facility’, and the DFO Offshore Surveillance facility. I also attended some great evening entertainment – everyone should attend a Newfoundland ‘Kitchen Party’ at least once in their lifetime! This, all in addition to some informative presentations at the conference itself. Volumes have been written about the warm hospitality to be found on ‘The Rock’, and I can personally attest to the accuracy of those claims; if they’re not the friendliest folks in the country, I don’t know who are.

They sure made this flatlander feel at home, and even made me an honorary Newfoundlander! After I drank the Screech, recited some words in Newfoundlander dialect, kissed a comely wench and narrowly avoided kissing a cod!

So, as I said at the outset, “Morramorinbeafinemorin!”

Art Childs



## **AGM & Elections**

The 15th annual Harbour Authority Association of BC Conference and AGM will be held in Nanaimo at the Vancouver Island Conference Centre on **February 7-10, 2012**. Elections will be held for the North Island, Lower Mainland, Sunshine Coast, and the South Island zones. These positions are currently held by **Eric Gregory, Alert Bay HA; Art Childs, False Creek HA; Jim Parsons, Powell River HA; and Janet Rooke, Tsehum HA**. All of these positions are open for nominations. Please present this information at your next board meeting to see if anyone in your organization is interested in putting their name forward. Sitting on the board does not require a huge time commitment and provides extra insight into both SCH and the HAABC.

## **Training**

After the success of the last conference's pre-conference training session we have decided to provide two opportunities to conference participants at the next conference. On Tuesday, February 7 we will be putting on another Environmental Management Planning workshop. For anyone who has not taken part in this training it is essential for meeting the terms of your lease with SCH. Please contact Leslie at [contact@haa.bc.ca](mailto:contact@haa.bc.ca) or 1-855-422-2260 to sign up for this important workshop. For those of you who have already completed the EMP workshop we will also be providing an electrical workshop. This has proven to be a very pertinent subject at past conferences and is much requested by conference participants. An electrician with extensive marine experience will provide his insight into this complex subject. Come prepared with your questions. This workshop will be best suited for harbour managers and maintenance staff, but may also be useful to interested board members. Please contact Leslie to sign up for this workshop. Both workshops will run on Tuesday at the same time so please just sign up for one.

## **Zone Meetings**

Zone meetings will again be held at the conference. The morning of February 10th is scheduled for all zones to get together and let their director know what the HAABC can do to meet the needs of their harbour. Please come prepared with your questions and comments. In addition, there will be a North Coast Zone meeting held on Wednesday, February 8th at 6:30 pm. The difficulty in scheduling a zone meeting in the North Coast has prompted us to use this opportunity to maximize the participation of North Coast Zone managers and directors at the zone level.

## **Ports of Call**

The Ports of Call sessions scheduled for February 8 and 9 allow for each harbour to provide an update on what they have been up to, and by all accounts you have been very busy with improvements. In the past few years some harbours have provided photos to display during their presentation. This provides a great tool to show off the improvements in your facility, and for those of you to whom public speaking does not come easily a photo is truly worth a thousand words. For each harbour we can accommodate up to three photos. Photos should be of the highest resolution possible to allow for viewing on a large screen. Don't find yourself at this year's conference wishing you had provided photos. If you need any advice on sending your photos by email please give Leslie a call at 1-855-422-2260 (1-855-HAABC-60). **Photos should be sent to [contact@haa.bc.ca](mailto:contact@haa.bc.ca) no later than February 1, 2012**. For those technologically advanced individuals, post your photos on Picassa and send me the link.



## HAABC Calendar of Events

November 1	Harbour Authority Corporation Insurance Payment Deadline
November 3	North Island Zone Meeting, Alert Bay
November 4	Mid Island Zone Meeting, French Creek
November 14	Conference Committee Meeting
November 15	Conference Registration Packages Mailout
November 18	PRHAAC Meeting
November 22, 23	NHAAC Meeting, Ottawa
December 15	HAABC Board Meeting
January 13	PCC Board of Directors Meeting—Olympia WA
January 21	HAABC Pre-Conference Board Meeting
February 7-10	HAABC Conference, Nanaimo
February 8	North Coast Zone Meeting
February 22	HAABC Board Meeting
March 14	Sunshine Coast Zone Meeting
March 25	Tidal Currents Article Submission
March 31	SCH Year End
March 31	Tidal Currents Newsletter Publish Date
April 10-13	PCC Conference, Nanaimo
April 14	HAABC Board Meeting
April TBA	PRHAAC Meeting
April TBA	NHAAC Meeting
April—May	Zone Meetings, North Island, Mid Island, South Island, Lower Mainland
May 3	Deadline for Submission Academic Scholarship Application Deadline
May 23	Barbara Schwantes Academic Scholarship Award Announcements
June 1	Industry Canada HA's Annual Summary Deadline
June 15	PCC Board Meeting—Olympia, WA
June 20	HAABC Board Meeting
June 30	Dick Maughan Scholarship Application Deadline
July 18	Conference Committee Meeting

**Not-for-Profit organizations that are incorporated federally under the *Canada Corporations Act* Part II (“CCA”) should prepare to undergo some significant changes in the coming months.**

The new *Canada Not-For-Profit Corporations Act* (“CNCA”) came into force on October 17, 2011, bringing significant changes for all federally incorporated not-for-profits (“Federal NPOs”), which includes a large number of the Harbour Authorities in BC. All Federal NPOs will be required to transition to the CNCA and the regulatory regime it sets out before October 17, 2014 or they will be dissolved.

The transition process is relatively straightforward. Federal NPOs must complete the following five steps:

1. Review current letters patent and bylaws to determine where changes are required;
2. Draft Articles of Continuance in the prescribed form to replace letters patent;
3. Draft Bylaws that comply with the CNCA;
4. Obtain member approval for new articles and bylaws; and
5. File required documents with Corporations Canada.

Of these steps, #3 will require the greatest amount of work for most Federal NPOs. The CNCA differs from the CCA in a number of respects and nearly all Federal NPOs will be obligated to adopt new bylaws which comply with the new regime.

The CNCA requires significant changes in several areas, particularly governance and financial accountability. The most important changes are the following:

**Soliciting vs. Non-soliciting corporations** – Federal NPOs will be classified according to the amount and source of the funds they receive. If an organization receives \$10,000 or more in a given year from public funds (meaning private donations or government grants) they are classified as a soliciting corporation, which are more strictly regulated and must conform to more onerous reporting requirements. An organization can go back and forth between soliciting and non-soliciting each year depending on the amount of public funds received.

**Directors** – a soliciting corporation must have at least three directors, two of whom may not be officers or employees of the organization. All directors must be elected by the members. Ex-officio appointments of directors are prohibited.

**Financial Reporting** – generally, all organizations will be required to appoint an auditor and to conduct an annual financial review. The level of the review and the ability to “opt-out” of these requirements depends on the annual revenue and whether the organization is designated as soliciting or non-soliciting.

All federal not-for-profit corporations will be required to complete the transition process by October 17, 2014, or they will be dissolved and property held by the corporation will be forfeited to the government.

Bull, Housser & Tupper LLP is preparing template documents to assist the transition from the CCA to the CNCA for federally incorporated not-for-profit organizations. These templates may be adopted by organizations, or adjusted to fit specific situations.

If you have any questions about the CNCA or the transition process for your organization, please contact Michael Blatchford of Bull, Housser & Tupper at 604-641-4854 or [mpb@bht.com](mailto:mpb@bht.com).

Michael Blatchford

## Insurance

Do you have enough insurance for your Harbour Authority? Four main types of insurance are available to protect you, your staff, your board and your facility.

**Harbour Authority Corporation (HAC) Directors and Officers Insurance/Accidental Death, Dismemberment and Bodily Injury Insurance:** The Directors and Officers policy protects your directors and officers from any liability claims brought against them as a result of activities they perform while representing the HA. The **Accidental Death, Dismemberment and Bodily Injury Insurance** covers board volunteers and directors for any injuries that may occur while acting in that capacity. SCH pays the lions share of the policy and each HA is responsible for the balance. The HA portion of the premium is \$100 for \$1 million of coverage; \$200 for \$2 million of coverage.

**Small Craft Harbours (SCH) Third Party Liability Insurance (TPLI):** SCH of Fisheries and Oceans Canada (DFO) purchases TPLI for all HAs. The insurance provides protection to the HA if a claim is made against it for accidental loss of life, bodily injury, and/or property damage suffered by third parties. The insurance policy is renewed annually in April. The SCH Program is responsible for the renewal and administration of this policy.

The TPLI policy will provide the following services:

Insurance coverage up to \$20,000,000 per accident/occurrence with a deductible of \$1,500 per incident.

**Note:** The portion of the deductible paid by HAs is \$500. The SCH Program covers the portion of the deductible in excess of \$500.

The insurer will investigate all incidents for which they receive reports.

The insurer will pay for legal representation should the HA or their employees be sued.

The insurer will pay for claims by a third party (bodily injury, property damage) where the investigation determines that payment is warranted

**Property Replacement Insurance:** A Harbour Authority may also want to purchase insurance to protect their buildings and contents against perils such as fire, theft, or weather. A thorough assessment of risk versus cost should be undertaken before purchasing this type of policy. Insurance pays for only those types of losses described in your contract. It is very important that you read your policy and/or talk to your insurance representative about what you are covered for and what you're not. At the 2012 HAABC conference a Risk Management and Liability Exposure workshop will be offered.

**Worksafe BC Insurance:** As an employer you're covered by WorkSafeBC insurance and are responsible to pay WorkSafeBC premiums. You are then protected against lawsuits from injured workers. As an employee, if you are injured or contract an occupational disease while on the job during the course of employment, WorkSafeBC covers your medical and wage-loss costs. To adequately protect themselves HAs must ensure any contractors working directly for them have Worksafe BC insurance; premiums must be up to date. For more information or to report a claim go to [www.worksafebc.com](http://www.worksafebc.com)

Keep in mind the key to successful insurance protection is documentation. Do not hesitate to complete an incident report for any and all occurrences, no matter how seemingly inconsequential. For some excellent information on insurance and risk management go to the Insurance Bureau of Canada website, [www.ibc.ca/en/](http://www.ibc.ca/en/)



As part of a much larger waterfront improvement project **Powell River HA** has upgraded their office and washrooms. The difference is dramatic. The new modernized building provides an excellent vista of the south harbour and allows for washrooms, showers and laundry facilities. Job well done!

**Before**



**After**



**Alert Bay HA** is also in the final stages of making improvements to their facility, including this lovely new office building. The difference is again dramatic. The new modernized building features advanced energy efficiency, and includes showers, washrooms, laundry, and an upstairs multi-use room. Again, a job well done!

**After**



**Before**



## **Bad Debts need Good Policies.**

As with all businesses, Harbour Authorities have a number of overdue accounts. It is just part of doing business to deal with these.

To begin with, when is an overdue account a bad debt? Each HA has to answer that question for itself. As the major part of our clientele is fishers and many of them work seasonally we should consider this in setting policies about overdue accounts. ***The important steps in the overdue accounts file are policies. The policies, need to be practical, based on commercial/civil law and have enough flexibility to not become cumbersome .*** The one size fits all solution maybe an easy fix at times, but in the long run you need a tailor made policy and solution for your harbour and clientele.

An agreement needs to be reached at the board level as to when an overdue account has become a bad debt e.g. after 90 days or 120 days and final notice has been sent out. (See the lighthearted note about final notes at the end of the article.)

Actions are required and now is the time to test the policies. Do we send everything to collection agencies/small claim courts, no matter what amount and circumstances? Behind each bad debt is a person(s). The law respects that and so should you. Sending the collection agency right after there was a death in the family, a divorce or a very bad accident is bad for public relations and will create hostility.

After considering the circumstances of the debtor and the past history of the relationship with the harbour, the right action needs to be considered. One can mostly rely on the maxim “ Nothing predicts behavior like behavior “. If the debtor paid late in the past after some light prodding, he/she will pay again. If other debts were write offs, you are probably in the same boat again.

Here is where the issue of policy comes in. ***The policies are the responsibilities of the HA board.***

Options:

***Collect all debts through Small Claims Court.***

It is time consuming for your staff. There are some upfront costs and no enforcement order in the first go-around.

***Give incentive by reducing the debt, waiving the finance charges.***

That will create precedent and may be unfair to clients paying their bills on time.

***Turning over the debt to a collection agency.***

Generally no upfront cost, but you pay anywhere between 15 to 30% of the amount owing to the agency.

Agencies claim 70 to 85% success rates in collecting.

***Listing the debt with a credit bureau.***

This will create a problem for the debtor when doing business and applying for a mortgage or loan. He/she needs to clear up the debt so he/she can go on with future endeavors.



These are only some options for bad debts. There is a whole host of other issues to consider. It is an important part of the Board of Directors' duties to ensure that they have written policies for debt collections. Below are some websites, which have articles on debt collection. The ideas are fairly universal, but make sure that the rules apply in BC.

We will have more information for you at the conference in February. Bring your success stories for everyone's benefit.

On the lighter side:

*Comments from experienced debtors:*

- Well, considering the bill is past due that means the due date has passed, right? If the due date has passed so has my chance to pay you.
- Considering you sent me my final notice and now you're telling me about this again, how can I believe anything you say?

Links:

<http://www.canadianlawsonline.ca/debt-collection.htm>

<http://www.collectdebtincanada.com/>

<http://www.debtguides.org/debtcollectionlaws.html>

<http://www.canadianlawsonline.ca/admiralty.htm>

<http://www.viacorp.com/DebtBook.html>

The last link is one of the most interesting one, it is from Australia all information may not apply in BC.

Lutz Budde

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## A Thank You Note!

June 2011

Dear Patti:

As a fisherman and Harbour Authority Director, I wish to express my appreciation for your honesty, integrity and the ownership you have demonstrated throughout the past 14 years you filled the position as secretary administrator for the Lund Harbour Authority.

It's people like you who are needed to retain proud ownership of our Small Craft Harbours as public property.

For certain your values come from being raised in a family highly respected in the fishing industry.

Thank you very much, Patti!

Yours truly, Neil Gustafson, LHA Director & Millie Ford, LHA Volunteer



## Canadian Marine Advisory Council

The Canadian Marine Advisory Council (CMAC) is Transport Canada's national consultative body for marine matters. Meetings are normally held twice a year in the spring and fall, both nationally in Ottawa and in each region. Members include representatives of individuals and parties that have a recognized interest in boating and shipping concerning safety, recreational matters, navigation, marine pollution and response and marine security.

Subjects discussed included:

- the development and acceptance of international conventions, regulations, codes, standards, and recommendations;
- the development and implementation of national statutes, regulations, codes, standards, recommendations and procedures; operations and services; and,
- any other matters related to marine safety, marine services, marine pollution prevention and response, and marine security.

### Dick Maughan Marine Memorial Scholarship

The 2011 Dick Maughan was awarded to Jasmine Brown. Jasmine is attending the University of Victoria and is working toward a Bachelor of Biology, with a minor in Environmental Studies. Jasmine has worked as a summer student with both Lund HA (2 years) and Powell River HA (1 year). Jasmine is a hardworking, conscientious individual; very deserving of this Scholarship. Good luck to you Jasmine in your future studies.

The application deadline for the Dick Maughan Scholarship is June 30, 2012. The Scholarship is open to both post secondary learning and University of Alaska online courses. Please go to the HAABC website at [www.haa.bc.ca](http://www.haa.bc.ca) to download an application form.

The Dick Maughan Scholarship is completely funded by the members of the HAABC through donations made at the HAABC conference each year by way of the 50/50 draw and the prize raffle. The membership should be proud of their continued role of supporting such deserving students.

### University of Alaska Career Training For Ports and Marinas Update

The University of Alaska is now offering a total of 10 online courses. Cost is \$195 per course. Your support is needed to continue this program. Please consider registering for one or all of these courses. Those who have taken them have found the information invaluable.

**Available courses are:**

*Harbour Operations and Planning*

*Customer Service for Ports and Marinas*

*Fire Safety for Ports & Marinas*

*Facility Safety*

*Oil Spills: Prevention, Preparedness and Response*

*Marine Structures and Materials*

*Hazardous Materials and Waste: Risks and Controls*

*Marina Utilities: Water and Sanitary Sewer*

*Harbour Administration*

*Marina Utilities: Electrical Systems*

For more information and to register go to:

[http://www.uas.alaska.edu/sitka/coed/ports\\_marinas.html](http://www.uas.alaska.edu/sitka/coed/ports_marinas.html)

## Dredging 101

At a recent zone meeting, Eric Gregory, harbour manager at Alert Bay HA and North Island Director for the HAABC relayed a story showcasing the ingenuity that keeps harbour authorities afloat (so to speak). Alert Bay HA was faced with a seemingly small but important dilemma in their harbour. A culvert was discharging sediment into the harbour which was building up beneath one of their floats. This started out as an inconvenience but over time developed into a safety hazard. The float was becoming uneven and a tripping hazard. Water and electrical supply lines were in danger of breaking. When looking for a solution it became evident that conventional dredging equipment would have difficulty accessing the site of the sediment. Eric decided to take the bull by the horns and looked for a method to manually remove the sediment. After ensuring that all environmental requirements were met Eric and two helpers spent four nights using shovels and wheelbarrows to tackle the problem. It was dirty, hard work, but provided employment for local residents and most importantly solved the problem quickly, efficiently, and cost effectively.



Photo submitted by Michael Berry

## Harbour Authority Dockside Monitoring

In June three members of the HAABC met with DFO staff to discuss the Harbour Authority Dockside Monitoring Initiative. This initiative has been ongoing for several years. The purpose of the meeting was an attempt to re-engage harbour authority staff in exploring ways to generate efficiencies and cost effectiveness in Dockside Monitoring. Current providers of this service are having difficulty maintaining monitors and dispatching monitors to some areas. The initiative is intended to encourage access to local markets, increase economic viability within the community, and to reduce expenses borne by commercial fishermen. Options discussed at the meeting;

1. HAs to conduct monitoring services for current service providers.
2. Each single HA or one integrated HA group (such as the HAABC) to become an independent service provider.

The HAABC Board of Directors will discuss this initiative at our next meeting scheduled for December 15, 2012, and have invited a DFO representative to attend the meeting to further discuss this and answer questions. If you would like to provide any input either in support or opposition, please contact Leslie: [contact@haa.bc.ca](mailto:contact@haa.bc.ca) or your zone director.

## ***New Harbour Managers***

The HAABC would like to welcome the addition of four harbour staff on the BC coast. Gail Bridgers is the new Wharfinger at Port Hardy. Pender Harbour HA has a new co-management team consisting of Dave Davies and Robin Millar. Deep Bay HA has a new manager, Robert Neal. The HAABC recognizes the challenges a new harbour manager faces and would like to offer any assistance we can provide. Welcome to you all!

## ***Name that Harbour! Last edition winner was Cheryl Bryski, Harbour Manager Ladysmith Harbour!***

On page 6 there is a collage of photos portraying Canada Action Plan projects. Identify each of the harbours, email your answer to [contact@haa.bc.ca](mailto:contact@haa.bc.ca) and you could win an HAABC Vest. One winner will be randomly chosen from all correct answers. Contest closes December 31, 2011.

Don't forget to send your  
Ports of Call photos to  
[contact@haa.bc.ca](mailto:contact@haa.bc.ca)

New HAABC Members:  
Xanatos Marine  
Blue Water Systems

Remember to sign up for pre  
conference training sessions,  
February 7, 2012

## **Pacific Coast Congress of Harbormasters and Port Managers Spring Conference**

The HAABC will be hosting the PCC spring conference at the Vancouver Island Conference Centre April 10-13. This is the perfect opportunity for an introduction to this association. The challenges they face in the day to day operation of their ports and harbors are similar to those faced by HAs. We can definitely learn from each other. Please consider attending to meet our neighbors to the south. Their conferences are highly professional, informative, and fun!

## **Newsletter Article Submission**

The next edition of Tidal Currents will be published on March 31, 2012. Please remember this newsletter belongs to the membership of the HAABC. Please consider contributing an article to the next edition. An interesting boater experience, tips for harbour operations, jokes, photos, etc. All will be considered and welcome. Deadline for submission of articles is March 15, 2012. I'm sure you will all have interesting boating stories to tell. Thank you to everyone who provided articles for this issue, it is greatly appreciated.

## **Advertising**

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