



COLUMBIA SHUSWAP REGIONAL DISTRICT

Regular Board Meeting

LATE ITEMS AGENDA

Date: Thursday, March 21, 2019
Time: 9:30 AM
Location: CSR D Boardroom
555 Harbourfront Drive NE, Salmon Arm

Pages

5. Correspondence

*5.4 Enderby Lions Club (March 12, 2019)

1

Letter from Peter & Betty Powell, members of the Enderby Lions Club, on behalf of all its members, outlining their concerns regarding the proposed relocation of the Armstrong Vision Center, Pleasant Valley Health Center, to the Vernon Jubilee Hospital.

Motion

THAT: the correspondence contained on the March 21, 2019 Regular Board Meeting agenda be received for information.

7. Business General

*7.1 Sicamous to Armstrong Rail Trail Project – Governance Committee Recommendations

3

Report from Ryan Nitchie, Team Leader, Community Services, dated March 18, 2019. Action items for CSR D Board to consider and approve relative to the Sicamous to Armstrong Rail Trail Initiative.

*Memorandum of Understanding is attached for reference.

Motion

THAT: the Board empower the authorized signatories to enter into a Memorandum of Understanding between the Columbia Shuswap Regional District, the Regional District of North Okanagan and Splitsin setting out the general agreement of the three lead agencies to the Sicamous to Armstrong Rail Trail.

Motion

THAT: the Board approve the draft Terms of Reference for the Governance Advisory Committee for the Sicamous to Armstrong Rail Trail as amended and approved by the Governance Advisory Committee on March 15, 2019.

Motion

THAT: the Board approve the draft Terms of Reference for the Technical Operational Committee for the Sicamous to Armstrong Rail Trail as approved by the Governance Advisory Committee on March 15, 2019.

Motion

THAT: the Board approve the appointment of the Shuswap Trail Alliance on an interim basis to serve as Secretariat to the Governance Advisory Committee and Technical Operational Committee to support and facilitate the work of the Committees as approved by the Governance Advisory Committee on March 15, 2019.

Motion

THAT: the Board endorse activation of the Technical Operational Committee to commence activities as described in the Terms of Reference as approved by the Governance Advisory Committee on March 15, 2019.

Motion

THAT: the Board authorize and delegate to the Chief Administrative Officer the authority to execute land tenure agreements as approved by the Governance Advisory Committee on March 15, 2019 based on the following:

1. The Agreements are to be subject to approval of the Chief Administrative Officers of both the Columbia Shuswap Regional District and Regional District of North Okanagan;
2. The Agreements shall not exceed three years (other than statutory rights of way in favor of utilities, upland owner consents and assignments of existing agreements) and the rates payable, if applicable, shall be continued as per any existing agreements;
3. The Agreements shall be subject as well to approval of the relevant local jurisdiction where the lands that are the subject of the Agreement are located; and
4. The following Agreements may be approved under this authority:
 - a. Statutory rights of way in favour of utility companies, where there are existing works and/or existing agreements in place that are

- being converted to a right of way;
- b. Upland owner consents;
- c. Assignment of any existing crossing agreements, licenses or recreational use agreements;
- d. Renewals of any existing crossing agreements, licenses or recreational use agreements; and
- e. Replacement of expired crossing agreements, licenses or recreational use agreements.

8. Business By Area

*8.2 Kicking Horse Mountain Resort – Crown Grant Application Referral

18

Report from Darcy Mooney, Manager, Operations Management dated March 14, 2019. Kicking Horse Mountain Resort – Crown Grant Application Referral

Motion

THAT: due to significant concerns regarding public safety associated with the fire risk of timber frame buildings, proximity of buildings to the crown forest interface and the frequency and intensity of recent large scale structure fires that have occurred in the Kicking Horse Mountain Resort community;

the CSRD Board confirm that until such time that a fire service is established at Kicking Horse Mountain Resort that is compliant with Fire Underwriters Survey requirements, the CSRD Board does not support the Province approving any Crown Grant Application within the specified Controlled Recreation Area held by Kicking Horse Mountain Resort.

Motion

THAT: in the absence of a specific policy in relation to crown land referrals within the Kicking Horse Mountain Resort, the CSRD Board endorse the staff recommendation as a policy directive to confirm the current and future position of the CSRD Board with respect to Kicking Horse Mountain Resort applications for Crown Grants due to the concerns outlined within the report from Darcy Mooney, Manager, Operations Management dated March 14, 2019 titled Kicking Horse Mountain Resort – Crown Grant Application Referral.

<input type="checkbox"/> CAO	<input checked="" type="checkbox"/> Agenda <i>March 21</i>	Ownership
<input type="checkbox"/> Works	<input checked="" type="checkbox"/> Reg Board <i>AND</i>	File# <i>0220-01</i>
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	<i>NOCSEMD 9000-05</i>
<input checked="" type="checkbox"/> Fin/Adm	<input checked="" type="checkbox"/> Other Mtg	<i>March 26, 2019</i>
<i>25190</i> MAR 14 2019		
<input type="checkbox"/> Ec Dev	RECEIVED	Ack Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Report	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Staff Info Only	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

March 12, 2019

The Right Honourable Adrian Dix
 Minister of Health
 Province of British Columbia
 Victoria, B.C.

RE: Proposed Relocation of the Armstrong Vision Center, Pleasant Valley Health Center.

Dear Sir:

It has recently come to our attention that Interior Health is seriously considering moving this clinic from its current location to the Vernon Hospital.

We feel that this would be a huge mistake that would negatively impact on the health care of thousands of British Columbians from Revelstoke to Sorrento and south to Vernon. The information came to light at a Zone Meeting of the Lions clubs involving the executives from Armstrong Lions, Enderby Lions, Lake Country Lions, Lumby Lions and Vernon Lions. All those present were extremely distressed to hear of this proposal. It has been confirmed with Lisa Westermarck of Interior Health that this proposal is indeed being considered. Apparently, the main problem is the availability of Anesthetists for the huge number of eye surgeries at this location.

The Lions Clubs, in this area, were instrumental in establishing this clinic in the first place more than a decade ago and just last year purchased a new Argon laser machine for the clinic at a cost of over \$108,000.00.

The Armstrong/Spallumcheen Health Care Auxiliary who have 25+ years of volunteer service, thousands of hours running a thrift shop, and more than a million dollars donated to health care in the area are also very concerned about this proposal.

In a nutshell, this move would undoubtedly cause eye patients to have to wait much longer for required eye surgery. It would also put all our ophthalmologists in the situation of having to compete for operating time at Vernon hospital which is already extremely busy. If they cannot get operating time, I believe that they would leave the area and find somewhere else to practice.

If this move takes place, I suspect that those volunteer organizations that have been so generously supporting the eye health in this area for so many years, would cease to do so.

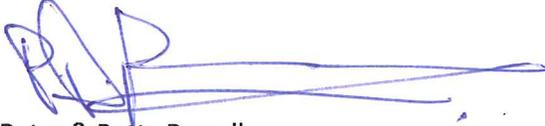
The bottom line is that this move would not provide the level of eye care needed in this area; would cause many people a high degree of stress in trying to address their eye health care; and would certainly be likely to cost the province much more in the final analysis.

Your support in looking into this matter as soon as possible and helping to keep this very worthwhile facility open would be very much appreciated.

I am certain that you would agree that you do not solve one problem by creating another larger one.

Thank you for your attention. Please respond to our concerns.

Respectfully,

A handwritten signature in blue ink, appearing to be 'Peter & Betty Powell', with a long horizontal flourish extending to the right.

Peter & Betty Powell

Enderby Lions Club Members.

Cc: Lisa Westermark, Interior Health

Greg Kylo, MLA Columbia Shuswap

Rona Martin, Chairperson, North Okanagan/ Columbia Shuswap Regional Hospital District

Marj Bailey, President, Armstrong/Spallumcheen Health Auxiliary

Mayor and Council, District of Sicamous

Dr. Shelly Geier, Sicamous Vision Care

Dianne Boyd, President, Armstrong Lions Club

Dennis Morgan, President, Enderby Lions Club



BOARD REPORT

TO:

Chair and Directors

File No: 8650 03

SUBJECT:

Sicamous to Armstrong Rail Trail Project – Governance Committee Recommendations

DESCRIPTION:

Report from Ryan Nitchie, Team Leader, Community Services, dated March 18, 2019. Action items for CSR D Board to consider and approve relative to the Sicamous to Armstrong Rail Trail Initiative.

RECOMMENDATION #1:

THAT: the Board empower the authorized signatories to enter into a Memorandum of Understanding between the Columbia Shuswap Regional District, the Regional District of North Okanagan and Splatins setting out the general agreement of the three lead agencies to the Sicamous to Armstrong Rail Trail.

RECOMMENDATION #2

THAT: the Board approve the draft Terms of Reference for the Governance Advisory Committee for the Sicamous to Armstrong Rail Trail as amended and approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #3

THAT: the Board approve the draft Terms of Reference for the Technical Operational Committee for the Sicamous to Armstrong Rail Trail as approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #4

THAT: the Board approve the appointment of the Shuswap Trail Alliance on an interim basis to serve as Secretariat to the Governance Advisory Committee and Technical Operational Committee to support and facilitate the work of the Committees as approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #5

THAT: the Board endorse activation of the Technical Operational Committee to commence activities as described in the Terms of Reference as approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #6

THAT: the Board authorize and delegate to the Chief Administrative Officer the authority to execute land tenure agreements as approved by the Governance Advisory Committee on March 15, 2019 based on the following:

1. The Agreements are to be subject to approval of the Chief Administrative Officers of both the Columbia Shuswap Regional District and Regional District of North Okanagan;
2. The Agreements shall not exceed three years (other than statutory rights of way in favor of utilities, upland owner consents and assignments of existing agreements) and the rates payable, if applicable, shall be continued as per any existing agreements;
3. The Agreements shall be subject as well to approval of the relevant local jurisdiction where the lands that are the subject of the Agreement are located; and
4. The following Agreements may be approved under this authority:

- a) Statutory rights of way in favour of utility companies, where there are existing works and/or existing agreements in place that are being converted to a right of way;
- b) Upland owner consents;
- c) Assignment of any existing crossing agreements, licenses or recreational use agreements;
- d) Renewals of any existing crossing agreements, licenses or recreational use agreements; and
- e) Replacement of expired crossing agreements, licenses or recreational use agreements.

SHORT SUMMARY:

On March 15, 2019, the Sicamous to Armstrong Rail Trail Governance Advisory Committee conducted its inaugural meeting at the Splatsin Community Centre in Enderby. The Committee reviewed and discussed a series of recommendations stemming from a report from the Chief Administrative Officer (CAO) which was approved by the Board on August 16, 2018. The Governance Advisory Committee has not been delegated authority to approve recommendations, therefore, all recommendations must be ratified by the Board.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

The Sicamous to Armstrong Rail Trail Corridor was acquired jointly by the CSRD and RDNO in partnership with Splatsin in December 2017. The three parties agreed to enter into a Memorandum of Understanding to work collaboratively to develop, operate and maintain the rail trail as a non-motorized recreational trail and contiguous multi-modal transportation corridor.

Following two workshops, consensus was reached to establish a two-part inter-jurisdictional structure for governance and operations. Terms of Reference for a Governance Advisory Committee representing a politically accountable body for policy, planning and decision making and a Technical Operational Committee to organize, implement and manage corridor development were drafted and presented to the Governance Advisory Committee for consideration.

Both the Governance Advisory Committee and the Technical Operational Committee require administrative assistance to be provided by the Shuswap Trail Alliance who will act in a Secretariat role on an interim basis until a Project Manager can be hired subject to approval of grant funding from senior government. It is recommended that the Technical Operational Committee be activated immediately to manage current and future maintenance and planning.

Given the volume, complexity and condition of existing and non-existing land-use agreements throughout the 50km of the rail trail corridor, staff is requesting authority to execute short-term land tenure agreements with adjacent land owners, local and provincial governments, utilities and others. This authority will allow staff to provide timely responses to day-to-day requests from property owners, local governments, utilities and provincial agencies and provide short term legal assurance between the regional partners and those individuals and agencies as development of the rail trail corridor proceeds.

POLICY:

Once staff receives direction from the Board, there are several policies and bylaws that will need to be amended or replaced.

Policy A-47, Encumbrances on CSRD Owned Land, is 28 years old and does not permit private encumbrances on CSRD owned land. Policy A-47 could be amended with a “notwithstanding clause” to address all of the existing encumbrances as well as the potential for additional encumbrances on the Sicamous to Armstrong rail trail lands, while maintaining the overall position that the CSRD does not support encumbrances on CSRD owned land.

Policy P-11, Upland/Foreshore Use Policy P-11 is 33 years old, and uses outdated wording, including references to foreshore use, when it should correctly identify tenure over the area lying below the natural boundary of water bodies. Based on direction received from the governance committee on the use of the Sicamous to Armstrong rail trail lands and existing and potential additional encumbrances, the policy will need to be amended or replaced.

CSRD Lakes Zoning Bylaw No. 900 does not permit docks for properties that are not waterfront, and limits the use of lands adjacent to a Foreshore Park to uses that are related to a Park Use. It may be appropriate to consider the development of a site specific zone along the rail corridor. Consistency in the zoning within the CSRD, RDNO and the District of Sicamous would be preferable.

Rural Sicamous Land Use Bylaw No. 2000 and the Electoral Area E Official Community Plan that is in the process of being prepared will need to recognize Sicamous to Armstrong rail trail lands and create a site specific designation and zone for the rail trail, which may require unique definitions, etc.

FINANCIAL:

Funds allocated from operational revenues as well as budgeted requisitions will be used for administrative support provided by the Shuswap Trail Alliance in the Secretariat role.

KEY ISSUES/CONCEPTS:

The recommendations stem from a Closed (In-camera) report from the Chief Administrative Officer to the Board, dated August 16, 2018.

DESIRED OUTCOMES:

The Board will endorse the recommendations.

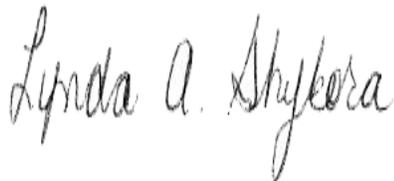
BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	Rail Trail Governance Committee Recommendations March 18 2019.docx
Attachments:	- Rail Trail Inter Jurisdictional Gov Committee Terms of Reference v2.docx - Rail Trail Technical Operational Committee Terms of Reference.docx
Final Approval Date:	Mar 19, 2019

This report and all of its attachments were approved and signed as outlined below:



Lynda Shykora - Mar 19, 2019 - 1:58 PM



Charles Hamilton - Mar 19, 2019 - 2:02 PM

OBJECTIVES, DUTIES AND RESPONSIBILITIES

The Governance Committee is established to achieve the following objectives, duties and responsibilities:

- To ensure the corridor provides long term public benefits, both locally and regionally.
- To provide for the development of a continuous corridor for non-motorized transportation and recreation.
- To provide the human, financial and other resources required to be enable their representatives to serve on the Operational Committee.
- To provide the human, financial and other resources required to enable and support the function of the Operational Committee.
- To ensure the protection of sensitive environmental and cultural sites along the rail corridor.
- To maintain the integrity and capability of the corridor to support the future development and operation of a continuous multi-model transportation corridor.
- To ensure that the scope and timing of trail development reflects the capacity of the three owner jurisdictions and to fund the development.
- To encourage a high level community engagement process in the planning and development of the corridor.
- To protect public safety and minimize risk in the development and use of the corridor.
- To consider beneficial opportunities with adjacent land uses.
- To pursue grant funding from senior levels of government as well as donations from community groups, foundations, businesses and the general public.
- To work towards establishment of mutually acceptable reciprocal access easements to allow for mutual intergovernmental and public usage of the contiguous trail, upon completion.
- To acknowledge agricultural values and the role of the Agricultural Land Commission.

MEMBERSHIP

The members of the Governance Committee will consist of:

- A member from the City of Salmon Arm Council;
- A member from the Sicamous District Council;
- The CSR D Directors from Electoral Areas C, D, E and F;
- A member from the City of Enderby Council;
- A member from the City of Armstrong Council;
- A member from the Township of Spallumcheen Council;
- A member from the Lumby Village Council;
- The RDNO Directors from Electoral Areas D and F; and
- Two members from Splitsin Band Council.

Membership on the Governance Committee by the participating jurisdictions requires endorsement of these Terms of Reference and the commitments from each of the elected Boards and Councils. Membership on the Governance Committee is voluntary and any member may suspend or terminate its membership at any time provided that the other members of the Governance Committee are notified in writing in advance of the date of the suspension or withdrawal.

COMMITTEE SECRETARIAT

The three owner jurisdictions will appoint a Committee Secretariat to assist the Governance Committee in carrying out its objectives, duties and responsibilities. The Committee Secretariat will be responsible to:

- Ensure meetings are effectively organized and minuted;
- Receive agenda items from Committee members, the Operational Committee and other stakeholders;
- Circulate agenda items and reports;
- Check that agreed action items are carried out and are properly authorized by the three lead agencies;
- Keep up-to-date contact details for all government agencies, stewardship partners, voluntary organizations and other stakeholders;
- Respond to all Committee correspondence;
- Keep record of all Rail Trail Corridor related publications; and
- Prepare a report of the Committee's activities for the year.

TERM

The term of the Governance Committee expires when the initial stage of trail development is complete and the corridor is opened for public use. The three owner jurisdictions may decide to extend the term of the Governance Committee if deemed necessary to achieve the shared objectives for the corridor. If the term of the Governance Committee is extended, the adoption of a revised terms of reference by the respective Boards and Councils will be required.

COMMITTEE DECISION MAKING

The Committee will work toward consensus, using an interest based approach, rather than a position based approach. If a vote on a matter is necessary, the vote will be taken with a simple majority of Committee members present and voting required to pass a motion. The Chair can only cast a vote in the event of a tie. In the event of an equal number of votes, the motion or matter will fail. Decisions by the Governance Committee will be made as follows:

- The Committee will strive to make decisions that serve to advance the shared objectives, duties and responsibilities of the trail corridor and that reflect the opportunities and limitations of each participating partner.
- Decisions by the Committee will be made by consensus among the representatives.
- The Committee is advisory in nature and is not delegated authority from their respective boards or councils.
- Decisions on matters falling within the mandate, jurisdiction and responsibilities of the owner jurisdictions shall only be made by the representatives of the owner jurisdictions.
- Decisions on matters falling within the mandate, jurisdiction and responsibilities of both the owner and stakeholder jurisdictions shall be made by the entire committee.



COMMITTEE PROTOCOL

- A Chair will be elected by the Governance Committee at the first meeting in each year.
- Two Vice-Chairs will be elected by the Governance Committee at the first meeting in each year. The Vice-Chairs will each be represented by a member of the CSRD and RDNO respectively.
- Meetings will be open meetings and will be run by the Chair or Vice-Chair in the absence of the Chair.
- Meeting minutes will be taken by the Committee Secretariat at all meetings. Upon approval of the minutes they will be distributed electronically.
- The quorum of the meeting will be comprised of not less than half of appointed Committee Members.
- The Committee may invite other persons to participate in making presentations to the Committee in order to benefit from additional expertise pertaining to subjects being discussed.
- Meetings of the Committee will occur not less than two (2) times per calendar year. Dates for the meetings should be determined by the Committee during the first scheduled meeting. It is recommended that the Committee meet on a quarterly basis. If necessary, additional or fewer meetings will determined by the Committee.
- The Committee will adhere to all statutes, legislation, acts, bylaws and all other responsibilities as Committee of the respective owner jurisdictions.
- Committee members may choose to express their personal views to others outside the Committee but may not speak on behalf of or in any way create the impression that they are speaking for the Committee as a whole. In order to ensure open and honest dialogue; Committee members should not discuss comments or opinions expressed by other Committee members without their knowledge and consent.
- Members of the public may observe meetings but will not have voting rights and will only have speaking rights through invitation by the Chair.
- A conflict of interest arises when a Committee member speaks or votes on a motion that could be the cause of some direct significant benefit - monetary or otherwise - to that member. If such a situation arises, the member involved should excuse themselves from proceedings that relate to the conflict unless explicitly requested to speak, only after a majority vote to do so. Any subsequent information provided by the individual will clearly be identified in the meeting minutes as coming from a source perceived to be in a conflict of interest.

FUNDING AND FINANCIAL MANAGEMENT

The costs associated with a participating jurisdiction’s member on the Governance Committee, including meeting attendance and travel costs, will be the direct responsibility of each jurisdiction.

CLOSING

These Terms of Reference are adopted by the three owner jurisdictions by the signature of the Regional District Chairs and the SplatSIN Chief as follows:

Chair, Columbia Shuswap Regional District

Date

Chair, Regional District of North Okanagan

Date

Chief, SplatSIN

Date



TERMS OF REFERENCE

Technical Operational Committee

Sicamous to Armstrong Rail Trail Corridor

INTRODUCTION

In December 2017, the Columbia Shuswap Regional District (CSRD) and the Regional District of North Okanagan (RDNO) successfully concluded the purchase of the CP Rail corridor, excluding the two sections previously acquired by Splatshin First Nation (Splatshin) in 2014.

To ensure the corridor remains contiguous, the three owner jurisdictions (CSRD, RDNO and Splatshin) have agreed that the corridor will be developed, operated and maintained for its use as a continuous recreational trail, particularly for pedestrian and bicycle transportation, as well as future potential use as a continuous multi-model regional transportation corridor (Rail Trail Corridor).

A two-part interjurisdictional governance and management structure for the Rail Trail Corridor will consist of a politically accountable governance body and a technical operational body to organize, implement and manage the Rail Trail Corridor development. The Governance Advisory Committee (Governance Committee) will receive input from the Technical Operational Committee (Operational Committee). The Governance Committee is advisory in nature and the decision-making authority of the CSRD Board, the RDNO Board and the Splatshin Council are not delegated in any way.

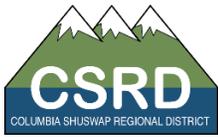
PURPOSE

The mandate of the Operational Committee is to organize, implement and manage corridor development and maintenance. The Operational Committee will advise the Governance Advisory Committee on a wide range of issues such as planning and design, trail management, maintenance standards and funding plans.

PRINCIPLES

The Operational Committee will be guided by the following principles:

- To work collaboratively together.
- To seek consensus on matters requiring decisions.
- To work toward the establishment and continuation of mutual trust among the jurisdictional owners and stakeholder jurisdictions.
- To maintain public confidentiality on matters that are designated as such.
- To prepare in advance of meetings in order to contribute meaningfully to discussions and deliberations.
- To ensure a high standard of communication between the Operational Committee and the Governance Committee.
- To reasonably commit to maintain membership within the committee.



OBJECTIVES, DUTIES AND RESPONSIBILITIES

The Operational Committee is established to achieve the following objectives, duties and responsibilities:

- To develop a plan for a recreational trail along the entire Rail Trail Corridor consistent with the objectives for the use and protection of the Corridor.
- To draft policies and regulations concerning the uses and activities permitted within the Rail Trail Corridor.
- To develop Rail Trail Corridor maintenance standards and designs.
- To develop a project schedule for the development of the Rail Trail Corridor.
- To build cost estimates and funding strategies to undertake improvements consistent with approved standards and designs.
- To draft policies and regulations to ensure a coordinated and consistent approach to applications for accesses, crossings, leases, rights of way, easements and similar approval requests.
- To draft policies for the administration of existing encroachment claims, leases, rights of way, easements and other tenure or interests.
- To develop fundraising strategies including joint applications for grant funding and partnering with fundraising groups.
- To create a communications policy and protocol to guide communications with the public, media, community groups and government agencies.
- To monitor and ensure that contractual obligations under the sale of the corridor such as track removal and environmental remediation are fully complied with by CP Rail.
- To carry out and provide a single point of contact for consultation and communications related to the rail corridor with the general public, owner jurisdictions, stakeholder groups, adjacent landowners and potential funding agencies consistent with adopted policies and protocols.
- To monitor the use and development of the rail corridor to ensure compliance with adopted plans, policies, and objectives and make recommendations to the owner jurisdictions to address potential issues.
- To administer and manage the funds approved for the activities of the Operational Committee consistent with approved budgets and financial management practices.
- To represent the interests, objectives and policies of their respective Regional Districts or First Nations government in the discussions, initiatives and joint recommendations of the Operational Committee.
- To report on the activities of the Operational Committee to the Governance Committee.
- To secure expertise and human resources from their Regional Districts or First Nations governments to assist in meeting the needs of the Operational Committee in carrying out its responsibilities.

MEMBERSHIP

The members of the Operational Committee will be represented by the Chief Administrative Officer or designate from:

- The CSRD
- The RDNO
- S'Kwam'ish



Membership on the Operational Committee by the owner jurisdictions requires endorsement of these Terms of Reference and the commitments from each of the elected Boards and Councils. Membership on the Operational Committee is voluntary and any member may suspend or terminate its membership at any time provided that the other members of the Operational Committee are notified in writing in advance of the date of the suspension or withdrawal.

OPERATIONAL COMMITTEE DECISION MAKING

The Operational Committee will work toward consensus, using an interest based approach, rather than a position based approach.

COMMITTEE PROTOCOL

- Meeting minutes will be taken at all meetings. Upon approval of the minutes they will be distributed electronically.
- The Committee may invite other persons to participate in making presentations to the Committee in order to benefit from additional expertise pertaining to subjects being discussed.
- Meetings of the Committee will occur not less than two (2) times per calendar year. Dates for the meetings should be determined by the Committee during the first scheduled meeting. It is recommended that the Committee meet on a quarterly basis. If necessary, additional or fewer meetings will determined by the Committee.
- The Committee will adhere to all statutes, legislation, acts, bylaws and all other responsibilities as Committee of the respective owner jurisdictions.
- Committee members may choose to express their personal views to others outside the Committee but may not speak on behalf of or in any way create the impression that they are speaking for the Committee as a whole. In order to ensure open and honest dialogue; Committee members should not discuss comments or opinions expressed by other Committee members without their knowledge and consent.

FUNDING AND FINANCIAL MANAGEMENT

The costs associated with a participating jurisdiction’s member on the Operational Committee, including meeting attendance and travel costs, will be the responsibility of each jurisdiction directly.

CLOSING

These Terms of Reference are adopted by the three owner jurisdictions by the signature of the Regional District Chairs and the Splatshin Chief as follows:

Chair, Columbia Shuswap Regional District

Date

Chair, Regional District of North Okanagan

Date

Chief, Splatshin First Nation

Date

THIS AGREEMENT made the _____ day of _____ 2018

BETWEEN:

Columbia Shuswap Regional District
Box 978
Salmon Arm, BC V1E 4P1

("CSR D")

AND:

Regional District of North Okanagan
9848 Aberdeen Road
Coldstream, BC V1B 2K9

("RDNO")

AND:

Splatsin
5775 Old Vernon Road, Box 460
Enderby, BC V0E 1V0

("Splatsin")

WHEREAS the CSR D and RDNO (together referred to hereinafter as the "Regional Districts") acquired from CP Rail an approximately 43 kilometre portion of former rail allowance for long term development into a trail;

AND WHEREAS Splatsin has also obtained, within its jurisdiction, two portions of the former rail allowance of approximately 7.1 kilometres, which provide connectivity to the areas acquired by the Regional District's for a regional trail network;

AND WHEREAS in 2015 the parties entered into an MOU to work cooperatively to acquire the abandoned rail corridor and wish to continue to work together and cooperatively on development of the trail network.

AND WHEREAS the parties have agreed to form an inter-jurisdictional governance advisory committee (the "committee") to provide an accountability frame work to oversee the planning, development, fundraising and management of the Sicamous to Armstrong Rail Trail Project;

AND WHEREAS Splitsin have and assert Section 35 Rights, including inherent rights which are recognized and affirmed by section 35 of the Constitution Act, 1982 and have never been surrendered;

NOW THEREFORE, in consideration for the mutual promises set out herein, the parties agree as follows:

COMMITTEE

1. The parties hereby agree that a interjurisdictional governance advisory committee shall be formed which will include the following representation:
 - (a) A member from Salmon Arm City Council;
 - (b) A member from Sicamous District Council;
 - (c) The CSRD Directors from electoral areas E, D, C and F;
 - (d) A member from Enderby City Council;
 - (e) A member from Armstrong City Council;
 - (f) A member from Spallumcheen Township Council;
 - (g) A member from Lumby Village Council;
 - (h) The RDNO Directors from electoral areas F and D; and
 - (i) And two members from the Splitsin Council.

2. The Boards of the parties shall work together and cooperate to develop terms of reference for the interjurisdictional governance advisory committee and a companion staff technical operational advisory committee to facilitate a mutually cooperative approach to identifying next steps necessary to plan, develop and fundraise for the Rail Trail Project.

3. The parties agree that a technical operational advisory committee shall be formed which will include the following representation:
 - (a) The Chief Administrative Officer of the CSRD or designate;
 - (b) The Chief Administrative Officer of the RDNO or designate; and
 - (c) The Chief Administrative Officer of Splitsin or designate

4. One of the purposes of the interjurisdictional governance advisory committee will be to work towards establishing mutually acceptable reciprocal access easements to allow for mutual intergovernmental and public usage of the contiguous trail, upon completion.

5. The interjurisdictional governance advisory committee will also work towards the protection of cultural heritage resources.

PUBLIC PROCESS

4. The parties shall cooperate in developing a mutually acceptable public information process, including disclosure of any agreements.

LEGAL NATURE OF THIS INSTRUMENT

5.
 - (a) The parties specifically agree that this memorandum of understanding or term sheet is not intended to form a binding legal agreement or to be legally enforceable, but rather is intended to set out the intentions of the parties to guide them in formal establishment of the committee, including terms of reference.
 - (b) The parties further acknowledge that the intent is that the committee, once formed, will serve purely in an advisory capacity.
 - (c) Nothing herein is intended to authorize any party to act as the agent or representative any other party and no party shall attempt to bind any other party in any way or represent that it has authority to bind any other party.

TERM OF AGREEMENT

6. This Memorandum of Understanding shall, be in force and effect for a term of three years from the day first written above, provided that it may be extended by mutual agreement and may be cancelled by either party on notice to the other party.
7. The parties shall act reasonably with each other and act in good faith in an attempt to complete the steps contemplated hereunder towards the long term development of a mutually acceptable and publicly accessible Rail Trail regional rail from Sicamous to Armstrong.

IN WITNESS WHEREOF the Corporate Seal of)
Columbia Shuswap Regional District was)
hereunto affixed in the presence of:)

)
_____)
CHAIR)
)
_____)
CAO)

C/S

IN WITNESS WHEREOF the Corporate Seal of)
North Okanagan Regional District)
was hereunto affixed in the presence of:)

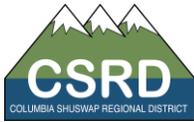
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CHAIR)
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IN WITNESS WHEREOF the Corporate Seal of)
Splatsin was hereunto affixed in the)
presence of:)

)
_____)
CHIEF)
)
_____)
Councillor)

C/S



BOARD REPORT

TO: Chair and Directors

File No: 7200 31 01

SUBJECT: Kicking Horse Mountain Resort – Crown Grant Application Referral

DESCRIPTION: Report from Darcy Mooney, Manager, Operations Management dated March 14, 2019. Kicking Horse Mountain Resort – Crown Grant Application Referral

RECOMMENDATION #1: THAT: due to significant concerns regarding public safety associated with the fire risk of timber frame buildings, proximity of buildings to the crown forest interface and the frequency and intensity of recent large scale structure fires that have occurred in the Kicking Horse Mountain Resort community;

the CSR D Board confirm that until such time that a fire service is established at Kicking Horse Mountain Resort that is compliant with Fire Underwriters Survey requirements, the CSR D Board does not support the Province approving any Crown Grant Application within the specified Controlled Recreation Area held by Kicking Horse Mountain Resort.

RECOMMENDATION #2: THAT: in the absence of a specific policy in relation to crown land referrals within the Kicking Horse Mountain Resort, the CSR D Board endorse the staff recommendation as a policy directive to confirm the current and future position of the CSR D Board with respect to Kicking Horse Mountain Resort applications for Crown Grants due to the concerns outlined within the report from Darcy Mooney, Manager, Operations Management dated March 14, 2019 titled Kicking Horse Mountain Resort – Crown Grant Application Referral.

SHORT SUMMARY:

The Mountain Resorts Division of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) has requested comment from the CSR D regarding an application from Kicking Horse Mountain Resort (KHMR) to draw down lands from the Controlled Recreation Area held by KHMR. The lands are intended to be used by KHMR for the purpose of the development of a significant 150 bed hotel and condominium plan within the resort. This proposed development is consistent with the KHMR's 2009 Master Plan, approved by the Province, which outlines in detail how development of the resort will proceed.

The CSR D has been involved in discussions with the resort and residents of the resort community for well over 10 years with regards to establishing a fire suppression service at the resort. The KHMR Master Plan addresses the issue of fire protection in several sections of the document and identifies that KHMR will fully implement fire service at the resort. The Master Plan also outlines the resort's plan and interest in the establishment of a local volunteer fire suppression service as part of the expansion of the resort.

The residents of the resort community have a high degree of interest in the establishment of a fire suppression service managed by the CSRD. Based on many public meetings and discussions, the resort community will only support a CSRD led fire service if there is a significant contribution of land and capital by the resort. To date, KHMR has not offered any capital contribution towards the establishment of the service.

Due to significant public safety risks associated with structure fires, the CSRD should not support further Crown Grant applications from the resort for development until such time as a Fire Underwriters Survey (FUS) compliant fire service is established.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

KHMR 2006 - CGI Consulting Fire Suppression Feasibility Study

In 2006, the CSRD was approached by KHMR to consider the establishment of a volunteer fire department. KHMR engaged a consultant, CGI Municipal Consulting Services, to conduct a feasibility study (CGI Study). This report suggested that due to the lack of fulltime residents living at the resort (at that time), a fire brigade should be established initially with a full time fire chief/resort safety officer.

After completion of the CGI Study, KHMR advised the CSRD that it was delaying consideration of a fire department until such time as the resort's full time population grew.

CSRD 2010 - Mitchell and Associates Fire Service Review

In early 2010, KHMR and the local residents' association requested that the CSRD conduct a feasibility study for the establishment of a paid-per-call fire department at the resort. The CSRD staff report to the Board stated KHMR had offered to donate land for the location of the fire hall.

The resulting feasibility study report (Mitchell Report) recommended the advancement of an insurance-industry recognized fire service in collaboration with the various stakeholders (CSRD, KHMR, commercial operations and local homeowners and residents).

After completion of the Mitchell Report, a community meeting was held in July, 2010 and a formal public assent process was initiated (petitions distributed) for the establishment of a service area for fire suppression along with the approval to borrow funds to purchase apparatus and construct a fire hall building.

The public assent process did not achieve sufficiency. 188 petitions were required to be submitted in order to meet the 50% approval criteria. 92 petitions (24%) were received in support of the fire suppression service as proposed.

2016 CSRD – Informal Request Received

An informal petition was received by the CSRD in April of 2016, signed by 255 property owners requesting the CSRD pursue a feasibility study for a fire hall at KHMR. The CSRD prepared and updated existing (2010) information to present to the community.

The overall budget was recalculated with a scaled back capital investment and loan. The acquisition of land to locate the fire hall building was not included in the budget, as it was assumed KHMR would be providing this aspect of the project (consistent with previous offerings). In July, 2016, approximately 40 property owners attended a public meeting held by the CSRD at the resort. Community members urged the CSRD to not proceed with a formal assent process, as they were convinced it would not be successful due to no confirmed specifics on the commitment level from KHMR regarding contributions to the establishment of the fire service.

As a result, the CSRD postponed the release of the formal petition until such time as a partnership model between the CSRD and KHMR could be developed that would formally outline the confirmed contribution(s) from KHMR and the CSRD towards the establishment of a fire suppression service.

KHMR has formally limited their offering to the supply of land and utility services for a new building. Residents and Strata Societies have maintained that the offered contribution from KHMR would not be sufficient to achieve broad and sufficient support through formal assent. Community members are looking for a greater KHMR contribution towards the capital costs of apparatus and fire hall construction consistent with their provincially approved Master Plan.

Public Safety Concerns

There have been three large fire incidents within the community since KHMR's Master Plan was approved. In each incident, homes were lost and community members themselves mobilized in attempts to fight the fire and protect neighbouring structures from further damage:

1. In 2009 a home builder/owner was drying recently stained wood siding with a propane heater. The material caught fire and resulted in the home catching fire. Residents and resort guests responded by hooking hoses directly to a nearby resort fire hydrant. The adjacent home caught fire and the brigade of residents were able to save it from total destruction. The first home was burnt to the ground. The KHMR brought in a water truck from town to assist with the fire suppression activities.
2. Approximately eight years ago, a home caught fire, and guests and home owners fought the blaze with hoses connected directly to nearby fire hydrants. A resident fighting the fire described the fire as "intensely hot". As home owners attempted to fight the house fire, other residents were falling trees that were candling next to the home. This fire reportedly burnt for three days.
3. About four years ago, a chimney fire resulted in a home burning to the ground. Again residents worked on the fire with the limited resources available to them.

POLICY:

In the absence of a specific policy in relation to crown land referrals within the KHMR, the Board endorse the staff recommendation as a policy directive to confirm the current and future position of the Board with respect to KHMR applications for Crown Grants due to the concerns outlined within this report.

FINANCIAL:

N/A.

COMMUNICATIONS:

Upon Board support, the Board Report and associated resolution will be forwarded the Mountain Resorts Branch of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development as well as other appropriate agencies and stakeholders.

DESIRED OUTCOMES:

The Board support the resolutions.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Kicking Horse Mountain Resort Master Plan, March 31, 2009.
2. Kicking Horse Mountain Crown Grant Application, January 31, 2019.

Report Approval Details

Document Title:	Kicking Horse Mountain Resort Crown Grant Application 2019.docx
Attachments:	
Final Approval Date:	Mar 18, 2019

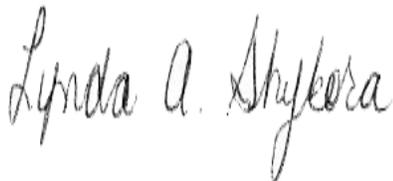
This report and all of its attachments were approved and signed as outlined below:



Darcy Mooney - Mar 15, 2019 - 3:49 PM



Jodi Pierce - Mar 18, 2019 - 9:17 AM



Lynda Shykora - Mar 18, 2019 - 9:49 AM



Charles Hamilton - Mar 18, 2019 - 3:38 PM