

MEMORANDUM OF UNDERSTANDING

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) C/S
_____))
CAO)

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

_____))
CHAIR) C/S
_____))
CAO)

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

_____))
CHIEF) C/S
_____))
Councillor)