



REGIONAL DISTRICT OF CENTRAL OKANAGAN  
REGULAR BOARD MEETING  
AGENDA

Thursday, March 11, 2021  
Woodhaven Board Room  
1450 K.L.O. Road, Kelowna, BC

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Pages

1. CALL TO ORDER

Chair to acknowledge that this meeting is being held on the traditional territory of the syilx/Okanagan peoples.

*In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Board meetings in-person.*

*As an open meeting, a live audio-video feed is being broadcast and recorded on rdco.com.*

Roll Call

2. ADDITION OF LATE ITEMS

3. ADOPTION OF THE AGENDA

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

Recommended Motion:  
THAT the agenda be adopted.

4. ADOPTION OF MINUTES

4.1. **Regional Board Meeting Minutes - February 22, 2021**

1 - 7

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

Recommended Motion:  
THAT the Regional Board meeting minutes of February 22, 2021 be adopted.

5. CORPORATE SERVICES

5.1. **RDCO Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021**

8 - 9

- 5.1.1. Determination of Results of Alternative Approval Process-RDCO Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021 10
- (All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*
- Recommended Motion:  
**THAT** the Regional Board receive for information the Determination of Results of the Alternative Approval Process for RDCO Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021.
- 5.1.2. RDCO Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021 - Adoption 11 - 13
- (All Directors - Weighted Vote - Simple Majority - LGA 209)*
- Recommended Motion:  
**THAT** Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021 be adopted.
- 5.2. **North Westside Provincial Restructure Planning Grant Committee - Reporting to Board** 14 - 30
- (All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*
- Recommended Motion:  
**THAT** the Regional Board request the Ministry of Municipal Affairs for funding and support to undertake and governance and services study for the North Westside portion of Okanagan West Electoral Area;
- AND THAT** the Regional Board outline a suggested scope of study to include the following three elements:
- To document and assess the current state of local governance and service delivery in the North Westside
  - To understand the concerns and interests of North Westside residents with respect to governance and delivery, and
  - To identify and assess future governance and service delivery options for the community.

## 6. PARK SERVICES

- 6.1. **Black Mountain - sntsk'il'nten Regional Park Covenant** 31 - 44
- (Reconsideration of Resolution #30/21 following consultation with Westbank First Nation)
- (All Directors - Stakeholder Weighted Vote - Majority - LGA 209)*

Recommended Motion:

**THAT** the postponed motion (resolution #30/21) be brought to the table for reconsideration following consultation with Westbank First Nation.

Recommended Motion:

**Resolution #30/21 – Bartyik/Sieben**

**THAT** the Regional Board approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.31 acres (125.18 hectares) of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

## **7. NEW BUSINESS**

### **7.1. Rise and Report from the Governance & Services Committee Meeting**

#### **7.1.1. Agricultural Chipping Program Budget Consideration**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

#### **7.1.2. First Nation Engagement Budget Consideration**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

## **8. DIRECTOR ITEMS**

## **9. ADJOURN TO IN CAMERA**

Recommended Motion:

**THAT** pursuant to Section 90 (c) of the *Community Charter* the Audit Committee adjourn and convene to an 'In-Camera' session to discuss:

- Labour relations or other employee relations.

**Minutes of the *REGIONAL BOARD MEETING* of the Regional District of Central Okanagan held at the Regional District offices, 1450 KLO Road, Kelowna, B.C. on Monday, February 22, 2021**

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Directors:

- J. Baker (District of Lake Country)
- M. Bartyik (Central Okanagan East Electoral Area)
- C. Basran (City of Kelowna)
- W. Carson (Central Okanagan West Electoral Area) *(attended electronically)*
- M. DeHart (City of Kelowna)
- C. Fortin (District of Peachland) *(attended electronically)*
- G. Given (City of Kelowna)
- C. Hodge (City of Kelowna) *(attended electronically)*
- S. Johnston (City of West Kelowna) *(attended electronically)*
- G. Milsom (City of West Kelowna)
- B. Sieben (City of Kelowna) *(attended electronically)*
- L. Stack (City of Kelowna) *(attended electronically)*
- L. Wooldridge (City of Kelowna) *(attended electronically)*
- J. Coble (Westbank First Nation) *(attended electronically)*

Staff:

- B. Reardon, Chief Administrative Officer
- T. Cashin, Director of Community Services *(attended electronically)*
- J. Foster, Director of Communications & Information Services
- D. Komaie, Director of Engineering Services *(attended electronically)*
- M. Kopp, Director of Parks Services
- B. Lange, Environmental Planner
- M. Rilko, Director of Financial Services *(attended electronically)*
- M. Drouin, Manager-Corporate Services (recording secretary)

**1. CALL TO ORDER**

Chair Given called the meeting to order at 7:00 p.m.

The meeting is being held on the traditional territory of the syilx/Okanagan Peoples.

*In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Board meetings in-person.*

*As an open meeting, a live audio-video feed is being broadcast and recorded on rdco.com.*

**2. ADDITION OF LATE ITEMS**

There were no late items for the agenda.

**3. ADOPTION OF THE AGENDA**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

**#35/21**      BARTYIK/BAKER

THAT the agenda be adopted.

CARRIED Unanimously

**4.      ADOPTION OF MINUTES**

- 4.1      Regional Board Meeting Minutes – February 11, 2021 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

**#36/21**      MILSOM/HODGE

THAT the Regional Board meeting minutes of February 11, 2021 be adopted.

CARRIED Unanimously

**5.      CORRESPONDENCE**

- 5.1.      Sterile Insect Release Board Highlights - January 29, 2021 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

**#37/21**      BAKER/DEHART

THAT the Sterile Insect Release Board highlights of January 29, 2021 be received for information.

CARRIED Unanimously

- 5.2.      Okanagan Basin Water Board Meeting Highlights - February 4, 2021 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

**#38/21**      BAKER/HODGE

THAT the Okanagan Basin Water Board meeting highlights of February 4, 2021 be received for information.

CARRIED Unanimously

**6.      DELEGATION**

- 6.1.      Okanagan Regional Library Jeremy Sundin, CFO, and Don Nettleton, CAO – re: consideration of AAP, service establishment bylaw and loan authorization bylaw process for construction of West Kelowna Library (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Library staff provided an overview to the Board for the request to seek Municipal Finance Authority (MFA) funding for the construction of a new library in the City of West Kelowna. Timelines for the introduction of the establishment and loan authorization bylaws, the required Alternative Approval Process and reasons for MFA borrowing were outlined. It was noted that the full costs of the project are unknown at this stage as it is still in the planning stage of development.

**#39/21**      MILSOM/BAKER

THAT the Regional Board receive for information the presentation by the Okanagan Regional Library (ORL) regarding the proposed Municipal Finance Authority borrowing process for a new library in the City of West Kelowna;

AND FURTHER THAT staff be directed to work with the ORL to draft the required bylaws and Alternative Approval Process.

CARRIED Unanimously

**7.      CORPORATE SERVICES**

- 7.1.    Regional Board Strategic Priorities (2019-2022) Update (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report dated February 16, 2021 presented an updated Strategic Priorities Plan following an October 2020 Board workshop to review the 2019-2020 priorities.

**#40/21**      DEHART/BAKER

THAT the Regional Board receives the draft Regional Board Strategic Priorities 2019-2022 (2020 Update);

AND FURTHER THAT the Regional Board approve the Strategic Priorities 2019-2022 (2020 Update) as the final version and directs staff to operationalize the priorities.

CARRIED Unanimously

**8.      FINANCIAL SERVICES**

- 8.1.    Purchase Commitments over \$100K during 4Q-2020 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

**#41/21**      BAKER/HODGE

THAT the Regional Board receive for information the report dated February 1, 2021 on purchase commitments which exceeded \$100,000 made during the fourth quarter of 2020.

CARRIED Unanimously

**9. COMMUNITY SERVICES**

- 9.1. Okanagan Basin Water Board Initiative Grants (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report outlined an application for consideration by the Board for an Okanagan Basin Water Board Initiative Grant. Local government support is required in order to be accepted as an eligible project by OBWB.

**#42/21**

**BAKER/BARTYIK**

THAT the Regional Board endorse the following application for the Okanagan Basin Water Board Water Conservation and Quality Improvement Grant Program:

- Okanagan Collaborative Conservation Program and Okanagan Nation Alliance – Okanagan Lake Responsibility Planning Initiative - \$30,000.00

CARRIED Unanimously

**10. PARK SERVICES**

- 10.1. Regional Parks Partnership Program & Friends of Regional Parks Capacity Building Fund Proposal (*All Directors - Stakeholder Weighted Vote - Majority - LGA 209*)

Staff report dated February 1, 2021 outlined a proposal for a formalized Friends of RDCO Regional Parks Partnership Program. Staff outlined the program framework.

**#43/21**

**BARTYIK/STACK**

THAT the Regional Board approve the Friends of Regional Parks Partnership Program.

CARRIED Unanimously

- 10.2. Provincial Crown Land Lease Renewal - Mission Creek Regional Park (*All Directors - Weighted Stakeholder Vote - Majority - LGA 209*)

Staff report dated February 17, 2021 outlined the requirement for renewal of RDCO's provincial Crown land lease.

**#44/21**

**DEHART/MILSOM**

THAT the Regional Board agrees to acquire a 30-Year Provincial Crown Lease with the Province of British Columbia for Mission Creek Regional Park over the land identified as that part of Parcel A (Plan H12895) of the Fractional Southeast 1/4 of Section 21, Township 26, Osoyoos Division Yale District except Plan KAP56718 and containing 11.15 hectares, for community park purposes.

CARRIED Unanimously

10.3. Provincial Crown Land License of Occupation - Rose Valley Regional Park *(All Directors - Weighted Stakeholder Vote - Majority - LGA 209)*

Staff report dated February 17, 2021 outlined the requirement for renewal of RDCO's provincial Crown land lease.

**#45/21**

**BARTYIK/HODGE**

THAT the Regional Board agrees to acquire into a 30-Year License of Occupation with the Province of British Columbia for Rose Valley Regional Park over all that unsurveyed Crown land in the vicinity of District Lot 1979 together with those parts of District Lots 4183, 1979, 4090 and 1119, all of Osoyoos Division Yale District, containing 230.3245 hectares, more or less for community park purposes.

CARRIED Unanimously

10.4. Provincial Foreshore Crown License of Occupation - Pine Point Traders Cove and Raymer Bay *(All Directors - Weighted Stakeholder Vote - Majority - LGA 209)*

Staff report dated February 16, 2021 outlined the requirement to renew the provincial Crown land lease.

**#46/21**

**HODGE/BAKER**

THAT the Regional Board agrees to acquire a 30-Year License of Occupation with the Province of British Columbia over the lands identified as:

- All that unsurveyed Crown foreshore of Pine Point Community Park being part of the bed of Okanagan Lake and fronting on that part of District Lot 3746, Osoyoos Division Yale District, show as Park on Plan KAP50774, containing 0.127 hectares, more or less, for moorage and park purposes;
  - That part of District Lot 5200 together with all that unsurveyed Crown foreshore of Traders Cove Regional Park being part of the bed of Okanagan Lake and fronting on Lot 3, District Lot 2926, Plan 7923 except Plans 12716, 32731 and 40407 all of Osoyoos Division Yale District, containing .351 hectares, more or less, for moorage and park purposes;
- AND
- All that unsurveyed Crown foreshore of Raymer Bay Regional Park being part of the bed of Okanagan Lake and fronting on District Lot 2924, Osoyoos Division Yale District except the North 80 Chains thereof and Plans 23790 and 42332, containing 0.512 hectares, more or less, for moorage and park purposes.

CARRIED Unanimously

10.5. Provincial Foreshore Crown License of Occupation - Kaloya, Kopje, Cinnabar Creek, Fintry *(All Directors - Weighted Stakeholder Vote - Majority - LGA 209)*



Staff report dated February 16, 2021 outlined the requirement to renew the provincial Crown land lease.

**#47/21**      **BAKER/STACK**

THAT the Regional Board agrees to acquire a 30-Year License of Occupation with the Province of British Columbia over the lands identified as:

- All that unsurveyed foreshore of Fintry Access #1 and Fintry Access #2 Community Parks being part of the bed of Okanagan Lake and fronting on Road Rights of Way within District Lot 686, Plan 15329, Osoyoos Division Yale District, and containing 0.50 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes;
- All that unsurveyed Crown foreshore of Cinnabar Creek Community Park being part of the bed of Okanagan Lake and fronting on that part of District Lot 4499, shown as Park on Plan KAP44625, Osoyoos Division Yale District, containing 0.18 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes;
- All that unsurveyed Crown foreshore of Kopje Regional Park being part of the bed of Okanagan Lake and fronting on Lot A, Section 5, Township 14, Osoyoos Division Yale District, Plan 39130, containing 1.47 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes; AND
- All that unsurveyed Crown foreshore of Kaloya Regional Park being part of the bed of Kalamalka Lake fronting on that part of the Fractional West 1/2 of Section 12, Township 14, Osoyoos Division Yale District, Plan B3150 except Plan 13015, containing 0.17 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes.

**CARRIED** Unanimously

10.6.      Mission Creek Greenway Streambank Repair ICIP-CVRIS Grant (*All Directors - Weighted Stakeholder Vote - Majority - LGA 209*)

Staff report dated February 16, 2020 outlined the grant application for funding towards completion of Mission Creek Greenway repair project.

**#48/21**      **BAKER/HODGE**

THAT the Regional Board authorize staff to submit an application to the Federal/Provincial Investing in Canada Infrastructure Program-COVID Resilience Infrastructure Stream- Adaptation, Resilience and Disaster Mitigation grant program for funding towards completion of the \$247,825 Mission Creek Greenway Streambank Repair Project.

**CARRIED** Unanimously

**11.      NEW BUSINESS**

There was no new business.

**12. DIRECTOR ITEMS**

There were no items for Board consideration.

**13. ADJOURN**

There being no further business the meeting was adjourned at 8:28 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

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G. Given (Chair)

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B. Reardon (Chief Administrative Officer)



# Regional Board Report

**TO:** Regional Board

**FROM:** Mary Jane Drouin  
Manager-Corporate Services

**DATE:** March 2, 2021

**SUBJECT:** Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021

**Voting Entitlement:** *All Directors – Stakeholder Weighted Vote – Simple Majority – LGA 209*

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**Purpose:** To provide the results of the Alternative Approval Process for the following bylaw;  
To adopt Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021

## **Executive Summary:**

At the January 14, 2021 Regular Board meeting, the Regional Board gave three readings to Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021. The Board further resolved that approval of the electorate be obtained through an Alternative Approval Process (AAP), with the number of elector responses required to prevent Bylaw No. 1473, 2021 from proceedings without a referendum being 20,598. The AAP deadline was 4:00 pm on March 1, 2021. 2 electors submitted forms in opposition.

On the basis of the elector response forms received before the deadline, I have determined that elector approval in accordance with section 86 of the *Community Charter* has been obtained. Therefore, the Regional Board may now proceed with adoption of Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021.

## **RECOMMENDATION #1:**

**THAT** the Regional Board receive for information the Determination of Results of the Alternative Approval Process for RDCO Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021.

## **RECOMMENDATION #2:**

**THAT** Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021 be adopted.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read "Mg Drouin".

Mary Jane Drouin  
Manager-Corporate Services

Approved for Board's Consideration

A handwritten signature in dark ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

*Prepared by:* S. Horning, Supervisor-Corporate Services

Attachment(s):

- AAP Determination of Results
- Bylaw No. 1473, 2021



Corporate Services  
1450 KLO Road  
Kelowna, BC  
V1W 3Z4

## **DETERMINATION OF RESULTS OF ALTERNATIVE APPROVAL PROCESS**

*Subject of Alternative Approval Process:*

- RDCO Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021

Electors within affected area:	205,983
Elector Response Forms Needed to Prevent Adoption:	20,593
Deadline for Receipt of Elector Response Forms:	4:00 p.m. on March 1, 2021
Valid Elector Response Forms Received Prior to Deadline:	2

I hereby declare that elector approval for RDCO Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021 has been obtained.

A handwritten signature in black ink, appearing to read "Mg Drouin".

Mary Jane Drouin  
Manager – Corporate Services

March 2, 2021

## REGIONAL DISTRICT OF CENTRAL OKANAGAN

### BYLAW NO. 1473

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A bylaw to exchange regional park land for other land to be used for park purposes

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WHEREAS the Regional District of Central Okanagan is the registered owner in fee simple of those lands legally described as:

- PID: 013-576-747, Legal description: Part SW ¼, Section 12, Township 26, Osoyoos Division Yale District, except Plan 1380 B6800 2506
- PID: 026-473-062, Legal description: Lot A, Section 7, Township 27, Osoyoos Division Yale District, Plan KAP79441

lands which were acquired by the Regional District through its regional parks function;

AND WHEREAS section 280 (1) of the *Local Government Act* authorizes a regional district to, by bylaw, exchange regional park land for other land to be used for park purposes;

AND WHEREAS section 280 (1) of the *Local Government Act* requires the Regional District to provide an Alternative Approval Process in relation to the proposed bylaw which has been conducted in accordance with section 86 of the *Community Charter* and the electors have approved this Bylaw.

NOW THEREFORE THE BOARD OF THE REGIONAL DISTRICT OF CENTRAL OKANAGAN IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

1. The Board of the Regional District of Central Okanagan is hereby authorized and empowered to dispose of those lands legally described as:

That part of lands legally described as Part SW ¼, Section 12, Township 26, Osoyoos Division Yale District, except Plan 1380 B6800 2506 and Lot A, Section 7, Township 27, Osoyoos Division Yale District, Plan KAP79441, shown in heavy outline and marked "Proposed Geen" on the map prepared by the Regional District of Central Okanagan and dated December 18, 2020, attached to this bylaw as Schedule "A"

and to exchange those lands with David Geen and Laura Geen for lands legally described as:

That part of lands legally described as Lot A, Section 12, Township 26, Osoyoos Division Yale District, Plan EPP71625, shown in heavy outline and marked 'Proposed Park' on the map prepared by the Regional District of Central Okanagan and dated December 18, 2020, attached to this bylaw as Schedule "A".

2. This Bylaw may be cited for all purposes as the "Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021".

READ A FIRST TIME THIS 14<sup>th</sup> DAY OF January 2021

READ A SECOND TIME THIS 14<sup>th</sup> DAY OF January 2021

READ A THIRD TIME THIS 14<sup>th</sup> DAY OF January 2021

Received approval of the electorate through an Alternative Approval Process this day of 2021.

ADOPTED THIS DAY OF 2021

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1473 cited as the "Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021", as read a third time by the Regional Board on the 14<sup>th</sup> day of January 2021.

Dated at Kelowna, B.C. this  
14<sup>th</sup> day of January 2021

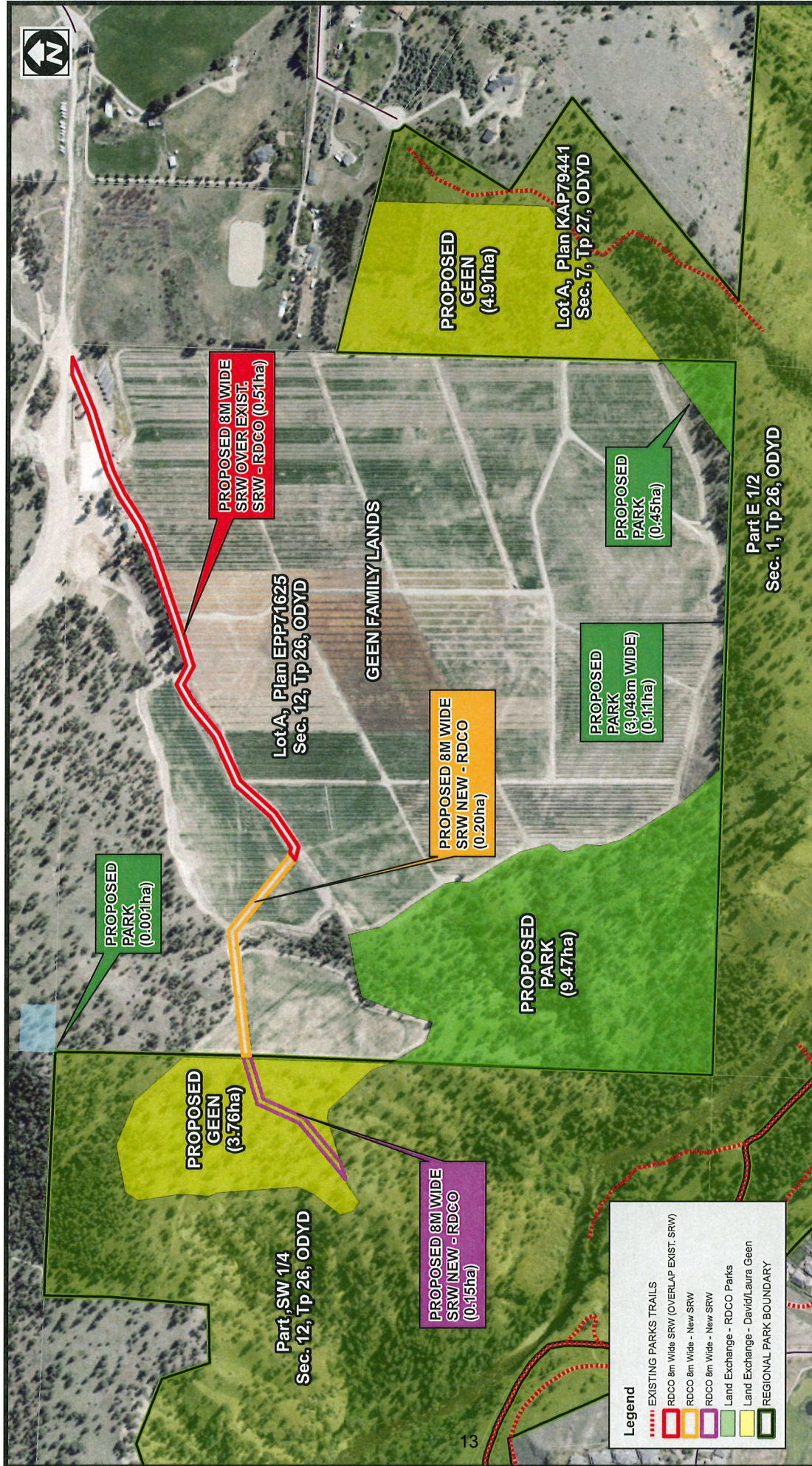
  
\_\_\_\_\_  
DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1473, 2021 cited as the "Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021" as adopted by the Regional Board on the day of 2021.

Dated at Kelowna, B.C. this  
day of 2021

\_\_\_\_\_  
DIRECTOR OF CORPORATE SERVICE









# Regional Board Report

**TO:** Regional Board

**FROM:** Brian Reardon, CAO

**DATE:** March 11, 2021

**SUBJECT:** North Westside Provincial Restructure Planning Grant Committee Update

**Voting Entitlement:** All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1

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**Purpose:** To report out and update the Board on the work being done by the North Westside Provincial Restructure Planning Grant Committee.

## Executive Summary:

The Regional Board approved the North Westside Provincial Restructure Planning Grant Committee terms of reference on January 14<sup>th</sup>, 2021. The objective of the Committee is to provide input and recommendations in support of a Regional District of Central Okanagan Provincial Restructure Planning Grant. Their scope of work included:

1. Liaise with the Ministry of Municipal Affairs to determine what requirements must be met in making an application for a Provincial Restructure Planning Grant; and
2. Inform and make recommendations to the Regional Board pertaining to this objective.

After receiving background material and input from the Ministry of Municipal Affairs, a facilitated workshop on the scope, roles, and resources needed to undertake a Provincial Restructure Study was completed. Following deliberations on the matter the Committee unanimously approved the recommendations below.

## RECOMMENDATIONS:

**THAT** the Regional Board request the Ministry of Municipal Affairs for funding and support to undertake and governance and services study for the North Westside portion of Okanagan West Electoral Area;

**AND THAT** the Regional Board outline a suggested scope of study to include the following three elements:

- To document and assess the current state of local governance and service delivery in the North Westside
- To understand the concerns and interests of North Westside residents with respect to governance and delivery, and
- To identify and assess future governance and service delivery options for the community.

Should the Board approve the preceding “*Recommendations*” the North Westside Provincial Restructure Planning Grant Committee will have completed its work and fulfilled its mandate.

As such a motion to dissolve the Committee would be in order;

**Suggested Subsequent Recommendation:**

**THAT** the Regional Board thank the Committee members for their work and dissolve the North Westside Provincial Restructure Planning Grant Committee.

Respectfully Submitted:



Brian Reardon, CAO

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**Background:**

The Regional District received a request for a letter of support for a Provincial Restructure Planning Grant from the North Westside Communities Association in August, 2020. Our office has been corresponding with the Communities Association representative and Ministry personnel to confirm details on how best to move forward with a request for Provincial Restructure Planning Grant funding. Our efforts were delayed due to the UBCM Convention and then the calling of a Provincial Election.

Our office received correspondence from the Director of Governance and Structure Branch at the Ministry of Municipal Affairs dated December 8<sup>th</sup>, 2020 that outlined process associated with the Provincial program.

On January 14<sup>th</sup>, 2021 Regional Board Chair Given created the North Westside Provincial Restructure Planning Grant Committee and the Regional Board approved it's Terms of reference. The objective of the Committee is to provide input and recommendations in support of a Regional District of Central Okanagan Provincial Restructure Planning Grant.

The Committee's scope of work included:

1. Liaise with the Ministry of Municipal Affairs to determine what requirements must be met in making an application for a Provincial Restructure Planning Grant; and
2. Inform and make recommendations to the Regional Board pertaining to this objective.

The inaugural meeting of the North Westside Provincial Restructure Planning Grant Committee was held on January 20<sup>th</sup>, 2021. Attendees at this meeting included all Committee members, support staff and representatives from the Ministry of Municipal Affairs. This information sharing meeting was followed by a second meeting held on February 26<sup>th</sup>, 2021 held in a facilitated workshop format to explore the scope, roles, and resources needed to undertake a Provincial Restructure Study.

Minutes of these meetings are provided for the Board's information.

**Financial Considerations:**

There are no financial implications to making a request for Provincial funding and support to undertake and governance and services study however should that request be approved there will be a need to allocate staff resources and associated funding to follow through with that study.

This type of study requires considerable financial support and staff resources from both the Province and the Regional District. Although the Province may provide a grant for this study it will be Regional District employees who will undertake a “Request for Proposals” process to retain the services of a subject matter expert to conduct the study and manage the process through to completion.

The Province provides most, not all, of the funding for this study. Considerable staff time from the Ministry will also be required.

The Regional District provides most, not all, of the staff time to manage the funding and seeing the process through to completion. Financial resources will be required from the Regional District based on the approved scope of the study which has yet to be determined.

The Consultant’s role will be based on the approved scope of the study by the Province as well as the limits of work defined in the RDCO Request for Proposal documents.

The Communities Association will have a role in terms of public outreach and participation on a separate Community Restructure Study Committee.

**Organizational Issues:**

If approved by the Province, this initiative will need to be added to the 2021 work plan. It is premature to add anything to this year’s Financial Plan. If required, a budget amendment can be brought forward for Board approval mid-year.

**External Implications:**

This initiative will gain attention of North Westside residents in Electoral Area West and local media. A communications strategy and public engagement process will form part of the consultant’s scope of work. The Regional District will supplement the consultant’s communications plan and will need its own communications plan for the study.

**Alternative Recommendation:**

None recommended.

Attachment(s): Committee Terms of Reference  
Committee Minutes of January 20, 2021  
Committee Minutes of February 26, 2021



## North Westside Provincial Restructure Planning Grant Committee

### TERMS OF REFERENCE

#### INTRODUCTION

In support of a request from the North Westside Communities Association for a governance review, the Chair of the Regional District of Central Okanagan ("RDCO") has established a standing committee named the "*North Westside Provincial Restructure Planning Grant Committee*" ("Committee").

#### OBJECTIVE

The objective of the Committee is to provide input and recommendations in support of a Regional District of Central Okanagan Provincial Restructure Planning Grant.

#### SCOPE OF WORK

To achieve this objective, the Committee will undertake the following activities:

- Liaise with the Ministry of Municipal Affairs to determine what requirements must be met in making an application for a Provincial Restructure Planning Grant;
- Inform and make recommendations to the Regional Board pertaining to this objective.

#### MEMBERSHIP

Membership on this Committee shall include:

- Four (4) representatives from the Regional Board:
  - Vice Chair Milsom,
  - Director Carson,
  - Director Bartyik, AND
  - Chair Given as ex-officio
- One (1) representative from the North Westside Communities Association:
  - Ms. Callie Simpson
- Staff Liaison:
  - Brian Reardon, CAO
  - Marilyn Rilkoff, Deputy CAO

#### CHAIR

The Chair of the Committee shall be Vice Chair Milsom.

## **APPOINTMENT AND TERM**

In the event of a vacancy occurring during the course of work of the Committee, the vacancy may be filled for the remainder of the term by the Board Chair or an appointee made by the Chair.

The Committee will cease to exist when the Regional Board receives a final recommendation and deems their work to be completed.

## **MEETING PROCEDURES**

The Chair shall call meetings of the Committee as required.

Unless otherwise authorized by Division 3 of Part 4 of the *Community Charter* or Regional District of Central Okanagan Board Procedure Bylaw No. 1278, 2010 all meetings will be held in open session and in a location accessible to the public.

Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.

A majority of the Committee shall represent a quorum.

The order of business is to be as set out in an agenda package to be provided to the committee members in advance of the meeting date. A copy of the agenda shall be forwarded to the Committee at least three (3) complete working days prior to the meeting date.

Minutes of the meetings will be prepared by staff and then signed by the Committee Chair. Originals of the minutes will be forwarded to the Corporate Services Department for safekeeping.

Committee members have a responsibility to make decisions based on the best interests of the Regional District-at-large.

## **CONFLICT OF INTEREST**

Committee members must abide by the conflict of interest provisions of the *Community Charter*.

Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter.

They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

## **COMMUNICATIONS**

The Chair of the Committee shall be the spokesperson for all matters referred to, and resolutions made by the Committee.

## **VOTING**

All members of the Committee, including the Chair, vote on every question unless they have declared a conflict and left the meeting. The Board Chair, as ex-officio does not have a vote.

Members who do not indicate how they vote, or have left the meeting without declaring a conflict, are counted as having voted for the question.

If the votes are equal for and against, the question is defeated.

## **REPORTING TO THE REGIONAL BOARD**

Recommendations of the Committee must be adopted by Committee motion prior to presentation to the Regional Board.

The Committee Chair will report to the Regional Board on behalf of the Committee.

The Corporate Services Department will ensure Committee agendas and minutes are prepared and forwarded as required.

## **BUDGET**

The routine operations and any special project initiatives of the Committee will be funded by allocations within the Board budget.

## **STAFF SUPPORT**

The Corporate Services Department will provide staff support for the Committee. Typical support functions include the following:

- organizing and preparing the Agenda, in conjunction with the Committee Chair;
- distributing the Agenda Package to the Committee members a minimum of three (3) days prior to the meeting and posting a public notice;
- taking and preparing draft Minutes;
- ensuring the final Minutes are filed as a public record;
- managing the files of the Committee, as necessary;
- maintaining a list of outstanding issues for Committee action;
- in conjunction with the Chair, drafting committee reports to the Regional Board;
- providing financial information as necessary; and
- providing the position of Regional District staff on issues discussed by the Committee.

Approved by the Board Chair: January 2021  
Endorsed by the Board: January 14, 2021

Minutes of the ***NORTH WESTSIDE PROVINCIAL RESTRUCTURE PLANNING GRANT COMMITTEE*** meeting of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, BC on Wednesday, January 20, 2021

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Members: M. Bartyik (Central Okanagan East Electoral Area)  
W. Carson (Central Okanagan West Electoral Area)  
G. Milsom (City of West Kelowna)  
C. Simpson (North Westside Communities Association Representative)

G. Given (City of Kelowna) Ex-officio  
A. Neilson (Neilson Strategies-Consultant) (*attended electronically*)

Provincial Staff: M. Edmonson, Director-Governance Structure, Province of BC (*attended electronically*)  
B. Nicholls, Program Analyst, Governance Structure (*attended electronically*)

Staff: B. Reardon, Chief Administrative Officer  
J. Foster, Director of Communication & Information Services  
M. Rilkoﬀ, Director of Financial Services (*attended electronically*)  
M. Drouin, Manager-Corporate Services (recording secretary)

**1. CALL TO ORDER**

Chair Milsom called the meeting to order at 10:05 a.m. and acknowledged the meeting is being held on the traditional territory of the syilx/Okanagan peoples.

Roll call was taken.

*In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Board meetings in-person.*

*As an open meeting, a live audio-video feed is being broadcast and recorded on rdco.com.*

**2. ADDITION OF LATE ITEMS**

There are no late items for the agenda

**3. ADOPTION OF THE AGENDA**

BARTYIK/CARSON

THAT the Agenda be adopted.

CARRIED Unanimously

**4. BUSINESS ARISING**

4.1. Introductions of Committee Members, Consultant and Provincial Government Staff

Chair Milsom thanked the members of the committee for participating in this process. Those in attendance introduced themselves and their role. It was noted that Chair Given serves as ex-officio on all board committees and therefore does not have a vote, if and when taken.

4.2. Review of Committee's Terms of Reference (Regional Board Endorsed January 14, 2021) Brian Reardon - Chief Administrative Officer

Brian Reardon provided an overview of the Terms of Reference (TOR) for the committee as endorsed by the Regional Board. The TOR will guide how the committee operates including the membership, term of the committee, who is the spokesperson for the meeting (Chair Milsom), meeting procedures and voting provisions, reporting to the Regional Board. This committee is an advisory committee and therefore has no power to carry out resolutions approved by the committee.

4.3. Review of Conclusions and Suggested Action Plans from the North Westside Services and Community Issues Study

Jodie Foster, RDCO Director of Communications, provided an overview of the conclusions and action plans from the initial Issues Study completed in October 2017.

Summary of the document included the conclusions

- Erosion of trust is impacting working relationships between the community and RDCO
- Misinformation is prevalent within the community
- Type and extent of services and how they are delivered to the community
- Persistent feeling by the community that their interests were not being heard
- Community felt that services costs were too high in particular water rates and administration overhead.

First considerations

- Improve communications
- Clarifying the constraints on information is being provided to the public
- Clarifying the role of elected official in Central Okanagan West
- Establish regular dialogue
- Detailed cost analysis and comparable analysis on services ie: water rates, parks, bylaw enforcement, voting structure of the Regional Board.

In discussion;

- RDCO is currently updating its website as it has been difficult for the public to find information.
- Community has not asked for an incorporation study

4.4. Presentation of RDCO 2021-2022 Electoral Area Communication Strategy (Regional Board Approved January 14, 2021)



Jodie Foster, RDCO Director Communications addressed the committee on the newly approved Electoral Area Communication Strategy.

- Formal process for the communication strategy for both electoral areas
- Goal of the review was ensuring RDCO has good information put out to the community. There was much work done to enhance communication since 2017: website improvements, open houses, information provided in the Westside newsletter, etc.
- Six goals were identified:
  - o Residents receive clear, correct and truthful information from the RDCO.
  - o Residents understand what services RDCO provides as well as what other agencies provide (ie: roads are the responsibility of the Ministry of Transportation and Infrastructure)
  - o Residents feel Board decisions are transparent and understand how decisions are made
  - o Residents value the services they receive
  - o Electoral area director and the Board are aware of, and feel supported by issues arising in the area
  - o Residents feel they have the information they need during crisis
- Some current activities completed to date include: website with specific electoral area web pages, media directed to electoral area, specific issues ie: water rates communicated, water utility newsletter, email system set up for communication on water rates.
- A number of activities are underway: RDCO website to be replaced by Q3 2021; RDCO has at the end of 2020 provided a live-streaming of Board meetings online; doing a formal statistically valid citizens survey in 2021
  - o Advocacy – helping EA directors with issues in their community (ie: ambulance service).
  - o Going back to open houses if COVID-19 allows – face-to-face meetings are important. If not, will look at an online service for residents to voice concerns on an issue.
  - o Work with the community association for staff to present on ‘hot topic’ issues at a community meeting.
  - o Develop a ‘service directory’ for services RDCO provides or others provide and how to contact the appropriate person.
  - o Annual newsletter providing budget information to the specific area.
  - o 2022 looking at an online engagement platform in a more formal way than what we have now.

#### 4.5. North Westside Community Association Presentation Callie Simpson - NWCA Appointee to Committee

C. Simpson addressed the committee outlining a presentation from the North Westside Communities Association re: Request for a Governance Study dated January 2021 including:

- What the community is about – mix of residential, agricultural, Fintry Park, LaCasa resort, beaches, forestry campground, community parks, sewer system, fire halls, transfer site.
- Request for alternative governance structure through a governance study.
- Can boundaries be adjusted.
- Detailed diagnostic study needed.
- Concerns on increased water rates and cost of addition engineering work. Believes as a self-government would save money.
- Governance study would provide exact costs and comparisons.
- Believes as a municipality would have more say.
- Doesn't believe an electoral area director from COE should vote on decisions affecting their area.
- Can't employ their own residents or employ volunteers to work and build structure, etc.
- Fire halls – believes current form of management is in turmoil. RDCO staff do not live in the community and understand their community. Residents feel there is better equipment needed. Need to expand mutual aid to the north—OKIB, City of Vernon.
- A governance study would provide facts.

In discussion:

- Many issues raised in the presentation were identified in the Services Issue Review. Would the next steps—diagnostic study--be beneficial, and would it be detailed enough.
- Community residents want to know what the current costs are, pros and cons, and if they were their own government could they afford to incorporate.
- If incorporation is not viable maybe boundaries should be adjusted—would North Okanagan Regional District be a better fit?

#### 4.6. Allan Neilson (Neilson Strategies - Consultant) Comments on process and protocol

Allan Neilson provided comments on process and first principles.

- Easy to dive into the costs and who gets to make decision and it's easy to get lost in the minutia
- When we think of the local government system in BC, it provides for how decisions are made. For smaller communities there is flexibility in the system to make changes, possible for new structure with a lot of study. When considering changes to local government structure important to explore in as neutral fashion as possible.
- The local government structure is the responsibility of the provincial government through Ministry of Municipal Affairs.

- Takes a long time to make changes to structure and decisions are not made lightly and are only made on an objective analysis and engagement of the population.
- The analysis consists of three different phases: first, governance and services study overseen by a citizens based group [funded by the province] (first study did not get into the detail); second phase, if incorporation an option the boundaries are then considered; and third part is if there is a desire for a change of structure (an incorporation study).
- Always a sense of urgency to jump into the final phase. The system is designed however to slow things down in order for community leaders and residents to understand the full picture. The Province reserves the right to make the decisions on procedure.

#### 4.7. Provincial Governance and Structure Branch Staff Comments

Marijke Edmondson, Director, Governance and Structure Branch - Province of BC and Barrie Nicholls, Program Analyst, Governance and Structure Branch were in attendance electronically.

The December 8, 2020 letter from M. Edmondson re: North Westside Governance was provided to the committee for review.

The EcoPlan Study (pg 39) outlines the full steps of incorporation.

Provincial process is designed for diagnosis before prescription.

- Need to make issues transparent in the process
- Various options can be considered
- Province intentionally moves slowly to allow time to consideration and review
- Incremental improvements may have the desired effect instead of exploring future options. What is worthy of more substantial work.
- Hesitant with governance and services study if thought is to move to incorporation
- Better to have questions at this stage. Must be purposeful and open minded. Cannot move to one particular direction.
- Full cost of a governance and services study is not just provided by the Province. There are additional costs to be identified: for staff, etc.

#### 4.8. Next Steps

Discussion ensued:

- North Westside feels like its own community not just a part of the other communities in the electoral area. The area director raised concerns regarding: looking for a voice in the non-delivered RDCO services (ie: policing, schools and roads); areas outside North Westside have no future in regards to incorporation—amalgamation is likely an option for these areas.
- There is a lot to consider in next steps.
- Summarize what's been discussed today and bring forward a staff report to the next meeting.

- Allan Nielson commented:
  - o Start to flush out what a study would look like, how to move forward to a governance and services study. Explain what that would look like – what it would provide and what it would not provide.
  - o If a request goes forward to Province – need to know the scope of work, what would be the process, the timeline and a budget.
- This is a provincial government process and the Province will need to determine next steps.
- Points can be very emotional but it's necessary to provide accurate information.
- The committee may wish to explore what the scope is
- Concern about what information is being presented and what are actual facts. Must be neutral and unbiased information presented.
- Staff report summarizing today's discussion and will include the Allan Nielson's and the Province comments.

Date for next meeting--to be determined by the Chair. RDCO staff are in the midst of budget and year-end so at present there is no date set for the next meeting.

#### **4. ADJOURN**

There being no further business the meeting was adjourned at 12:10 p.m.

#### **CERTIFIED TO BE TRUE AND CORRECT**

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G. Milsom (Chair)

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B. Reardon (Chief Administrative Officer)

Minutes of the ***NORTH WESTSIDE PROVINCIAL RESTRUCTURE PLANNING GRANT COMMITTEE*** meeting of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, BC on Friday, February 26, 2021

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Members: M. Bartyik (Central Okanagan East Electoral Area)  
W. Carson (Central Okanagan West Electoral Area)  
G. Milsom (City of West Kelowna)  
C. Simpson (North Westside Communities Association Representative)

A. Neilson (Neilson Strategies-Consultant) (*attended electronically*)

Staff: B. Reardon, Chief Administrative Officer  
J. Foster, Director of Communication & Information Services  
M. Rilkoff, Director of Financial Services (*attended electronically*)  
M. Drouin, Manager-Corporate Services (recording secretary)

**1. CALL TO ORDER**

Chair Milsom called the meeting to order at 1:33 p.m. and acknowledged the meeting is being held on the traditional territory of the syilx/Okanagan peoples.

Roll call was taken.

*In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Board meetings in-person.*

*As an open meeting, a live audio-video feed is being broadcast and recorded on rdco.com.*

*Director Carson arrived at 1:35 p.m.*

**2. ADDITION OF LATE ITEMS**

There are no late items for the agenda

**3. ADOPTION OF THE AGENDA**

BARTYIK/CARSON

THAT the Agenda be adopted.

CARRIED Unanimously

#### **4. ADOPTION OF THE MINUTES**

##### **BARTYIK/CARSON**

THAT the North Westside Provincial Restructure Planning Grant Committee amended meeting minutes of January 20, 2021 be adopted

- 4.3 misinformation is prevalent within the community, remove the wording “within the community”
- Pg. 2 – correct the spelling for Milsom

CARRIED Unanimously

#### **5. BUSINESS ARISING**

##### **5.1 Recap of Inaugural Meeting and Next Steps**

CAO Reardon’s recap report of February 24, 2021 was provided to the Committee. A review of comments from the Province was outlined.

It was noted the first two diagnostic comments in the 2017 North Westside Services and Community Issues Review study have been dealt with ie: a communication strategy and plan. The third point dealing with conducting a detailed diagnostic assessment of the service areas and costing is where the area director and the Community Association would like to move to.

The Province has noted that they require a detailed process and scope, budget and timeframes would need to be developed before submitting an application.

##### **CARSON/BARTYIK**

THAT the Committee receive for information the CAO Recap of Inaugural Meeting and Next Steps report dated February 24, 2021.

CARRIED Unanimously

##### **5.2 Facilitated Workshop by Allan Neilson, Neilson Strategies**

Allan Neilson introduced himself and noted today he will present what a governance and service study is:

- Purpose of a governance study
- Roles and responsibilities
  - Governance Committee
  - Electoral Area director
  - Regional District
  - Ministry of Municipal Affairs, and
  - Consultant
- Lessons learned from a previous study within BC

- Purpose of a study
  - o Document and assess the current state of local governance and service delivery
  - o To understand the concerns and interests of residents with respect to governance and delivery
  - o To identify future governance and service delivery options for the community
- Who does what
  - o North Westside Governance Committee (community based committee)
    - Residents of North Westside, representative of diversity in the community
    - Applicants are appointed by the Regional Board (the Province puts the criteria in place)
    - Members and Committee as a whole expected to remain neutral
    - All meetings are open to the public
    - Oversees and directs the Study and the consultant
    - Ensures the community is engaged, able to ask questions and give input
    - Presents the Study with Committee recommendations to the Regional Board
  - o Electoral Area Director
    - Ex-officio. non-voting member of the Committee
    - Keeps Regional Board apprised of progress
  - o RDCO
    - Supports and submits the application to the Province
    - Appoints Committee members
    - Provides all administrative support to the Committee and the consultant. Makes staff available
    - Receives the report and recommendations from the Committee
    - Makes recommendations at end of process to the Ministry
  - o Ministry of Municipal Affairs
    - Responsible for local government structure and changes to it
    - Approves request for study and provides grant funding
    - Sets terms of reference
    - Provides provincial government information to consultant
    - Receives study and recommendations from RDCO
  - o Consultant
    - Reports to the Committee, paid by the Ministry through RDCO
    - Conducts impartial analysis of all services
    - Presents all information and advice to the Committee at public meetings
    - Writes the interim report for presentation to the community
    - Designs and conducts the community engagement
    - Writes the final report and presents along with committee chair to the Regional District

It was noted that this process normally takes a year to complete. In terms of the timeframe: concern was expressed regarding COVID-19 in regards to in-person public engagement; public engagement starts at the beginning of the process (ie: if a study began tomorrow community engagement would likely not start until the fall 2021, more earnestly Spring 2022). The Province will likely take a couple of months to make a decision on whether they would support a study and confirm if funding is available.

- Governance study process
  - The purpose needs to be remembered
    - Current state – explain process in place today, document services provided, explain differences between electoral area and municipalities, decision making, costs and costs recovery. Only current boundaries assessed. Currently only area of the North Westside is interested in a study (North Westside Fire Protection Area). Province is responsible for any impacts for areas outside the boundaries—they will mitigate impacts by a variety of different methods.
    - Community engagement phase
      - Do residents feel well served; key governance and services concerns; are decision making structures appropriate; does the range of services provided make sense; are needs being left unaddressed; can current system of governance and service provision accommodate anticipated future needs and expectations.
      - How do you do this? Range of opportunities
    - Options for Improvement
      - What types of improvements should be reviewed
      - Largely based on public input (informed by assessment of current state)
      - Number of options could emerge
        - Incorporation, amalgamation, change in number and size of the electoral area, change to host regional district

Mr. Neilson reviewed the South Shuswap case study – a current governance study which included a recommendation to the Columbia Shuswap Regional District Board.

The next step would include the Committee reporting to the Board for consideration of a motion to request funding and support for a study. Should the Board agree, the decision and timeline is fully with the Ministry of Municipal Affairs.



CARSON/SIMPSON

THAT the North Westside Provincial Restructure Planning Grant Committee recommends to the Regional Board:

*THAT the RDCO Board request the Ministry of Municipal Affairs for funding and support to undertake and governance and services study for the North Westside portion of Okanagan West Electoral Area*

*AND THAT the RDCO Board outline a suggested scope of study to include the following three elements:*

- To document and assess the current state of local governance and service delivery in the North Westside*
- To understand the concerns and interests of North Westside residents with respect to governance and delivery, and*
- To identify and assess future governance and service delivery options for the community*

CARRIED Unanimously

It was noted that the Board will decide after hearing the Committee's recommendation whether the Committee is to be disbanded or have further work to complete.

**6. ADJOURN**

There being no further business the meeting was adjourned at 3:05 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

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G. Milsom (Chair)

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B. Reardon (Chief Administrative Officer)



# Regional Board Report

**TO:** Regional Board

**FROM:** Murray Kopp  
Director – Parks Services

**DATE:** February 26, 2021

**SUBJECT:** Black Mountain-sntsk'il'ntən Regional Park Covenant WFN Consultation Update

**Voting Entitlement:** All Directors – Stakeholder Weighted Vote – Simple Majority – LGA 209

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**Purpose:** The purpose of this board report is to update the Regional Board on their request for additional consultation with Westbank First Nation and to seek approval to enter into a covenant agreement with the Central Okanagan Land Trust.

## Executive Summary:

At the Regional Board meeting held on February 11, 2021 staff presented a report seeking board approval to enter into a covenant agreement with the Central Okanagan Land Trust over a portion of the 2017 acquired lands at Black Mountain-sntsk'il'ntən Regional Park in exchange for \$15k of contributed funds to support further regional park land acquisition .

At the meeting, the Regional Board, by resolution, requested additional consultation with Westbank First Nation (WFN) regarding the covenant, to ensure that their interests in the co-management agreement were not being impacted.

As directed, RDCO staff reached out and contacted Raf DeGuevara, WFN Director, Intergovernmental Affairs/Title and Rights who provided comments and direction to proceed.

## RECOMMENDATIONS:

**THAT** the postponed motion (resolution #30/21) be brought to the table for reconsideration following consultation with Westbank First Nation.

### Resolution #30/21 – Bartyik/Sieben

**THAT** the Regional Board approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.31 acres (125.18 hectares) of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Murray Kopp".

Murray Kopp, Director – Parks Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

*Prepared by: Wayne Darlington, Manager – Park Planning & Capital Projects*

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### Implications of Recommendation:

Strategic Plan:	The proposed conservation covenant with our COLT partner meets the boards strategic values of relationships, collaboration, transparency, and resiliency and is directly in alignment with the Environment strategic priority.
General:	Regional Board support for the conservation covenant with COLT will strengthen our long-standing partnership with COLT in regional parks and provide financial support for initiatives and projects at Black Mountain - sntsk'il'ntən Regional Park.
Organizational:	The conservation covenant will have minimal impact on planning and operational resources, additional consultation on larger projects within the park will be required and is consistent with the planning steps required for large capital or planning projects.
Financial:	The Central Okanagan Land Trust will donate \$15,000 to the Regional District in exchange for registering a conservation covenant over the park properties identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD. The \$15,000 contribution will be placed into the regional parks capital reserve fund.
Policy:	The partnership with COLT on the conservation covenant is consistent with the Black Mountain - sntsk'il'ntən Regional Park Management Plan objectives and the Regional Parks and Greenways Plan for the Central Okanagan (2008 – 2020).

### Background:

The Regional Board at the February 11, 2021 Regional Board Meeting, adopted the following resolution regarding the Central Okanagan Land Trust Covenant at Black Mountain-sntsk'il'ntən Regional Park:

#### #30/21 BARTYIK/SIEBEN

THAT the Regional Board approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.31 acres (125.18 hectares) of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

#### #31/21 JOHNSTON/WOOLDRIDGE

THAT the main motion be postponed until consultation is completed with Westbank First Nation Council for comment on the covenant.

As a result, RDCO staff reached out to Westbank First Nation seeking direction and a subsequent response, RDCO Parks staff provided the following options for receiving a response from WFN:

*"I would appreciate if you could consider this information and provide a response with your advice as to the best course of action to follow regarding engaging with the WFN Council:*

1. *Would WFN Chief and Council consideration of this proposed conservation covenant through a staff report be required?*  
or
2. *Would your confirmation of support for registration of the conservation covenant be sufficient and then WFN Chief & Council will be informed of the proposed*

conservation covenant registration through your regular staff – WFN Chief Council briefings.” (excerpt from a Feb 23, 2021 12:37 p.m. Email from Murray Kopp to Raf DeGuevera)

RDCO staff subsequently received the following response from Raf DeGuevera, WFN Director, Intergovernmental Affairs/Title and Rights:

*“Thank you for the email and the update on the recent discussion. I would take your option #2 and this email can be the support of the Westbank First Nation (WFN) Council for the registration of the conservation covenant. The respectfulness and will and is very much appreciated with respect to the inclusion of WFN in a covenant clause. It is always a challenge to support initiatives that take away use and enjoyment of rights for our WFN members through an agreement, and this clearly is not that. I will update our Council at the upcoming duly convened Council meeting. Thanks again for the update Murray and we look forward to catching up with you for lunch to touch base on other projects. Take care and let me know once your motion is officially passed. way' limləmp”* (excerpt from a Feb 23, 2021 12:55 p.m. Email from Raf DeGuevera to Murray Kopp)

Also noted by RDCO Parks during the Feb 11<sup>th</sup>, 2021 meeting the proposed covenant includes guidance related to indigenous access and traditional use for WFN within the covenant area, identified as item #5, which states:

*“5) COLT acknowledges and agrees the Westbank First Nation may have access to the Lands and its resources to exercise their Aboriginal Rights and Title for members' access and traditional use.”*

As a result of the above noted consultation with Westbank First Nation, staff are requesting the Regional Board provide consideration to approving and authorizing staff to execute and complete a covenant agreement with the Central Okanagan Land Trust for those lands identified at Black Mountain-sntsk'il'ntən Regional Park.

### **Financial Considerations:**

As part of the arrangement between the Regional District and the Central Okanagan Land Trust, the \$15,000 contribution will be placed into a capital reserve fund for future use.

### **Alternative Recommendation:**

**THAT** the Regional Board **not** approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.1 acres/ 125.18 hectares of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

### **Considerations not applicable to this report:**

- Legal/Statutory Authority
- External Implications

### **Attachment(s):**

- Board Report of February 11, 2021
  - Location Map – Black Mountain - sntsk'il'ntən Regional Park
  - Conservation Covenant Area Map – Black Mountain - sntsk'il'ntən Regional Park
  - Draft Conservation Covenant for Black Mountain - sntsk'il'ntən Regional Park



Agenda No:	7.1
Mtg Date:	Feb 11 / 21

## Regional Board Report

**TO:** Regional Board

**FROM:** Murray Kopp,  
Director – Parks Services

**DATE:** February 11, 2021

**SUBJECT:** Black Mountain - sntsk'il'ntən Regional Park - Covenant

**Voting Entitlement:** *All Directors – Weighted Stakeholder Vote – Simple Majority – LGA 209*

**Purpose:** To seek Regional Board approval to enter into a conservation covenant with the Central Okanagan Land Trust (COLT) covering 125.18 hectares of park land in Black Mountain - sntsk'il'ntən Regional Park.

### Executive Summary:

In 2017, the Regional District purchased two properties for inclusion at Black Mountain - sntsk'il'ntən Regional Park. The funding sources for the land acquisition was obtained from the 2016 regional parkland acquisition reserve and capital reserve funds, the Habitat Stewardship Program and a \$15,000 contribution commitment from COLT in exchange for a registered conservation covenant on title.

In 2020, the Regional District and COLT completed negotiations and preparation of the final draft of the conservation covenant for the lands identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD. If approved by the Regional Board, the conservation covenant will be registered on the two property titles and in return COLT will provide \$15,000 towards the land acquisition.

### RECOMMENDATION:

**THAT** the Regional Board approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.31 acres (125.18 hectares) of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Murray Kopp".

Murray Kopp, Director – Parks Services

*Prepared by:* Sandy Mah, Parks Planner

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

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### Implications of Recommendation:

- Strategic Plan:** The proposed conservation covenant with our COLT partner meets the boards strategic values of relationships, collaboration, transparency, and resiliency and is directly in alignment with the Environment strategic priority.
- General:** Regional Board support for the conservation covenant with COLT will strengthen our long-standing partnership with COLT in regional parks and provide financial support for initiatives and projects at Black Mountain - sntsk'il'ntən Regional Park.
- Organizational:** The conservation covenant will have minimal impact on planning and operational resources, additional consultation on larger projects within the park will be required and is consistent with the planning steps required for large capital or planning projects.
- Financial:** The Central Okanagan Land Trust will donate \$15,000 to the Regional District in exchange for registering a conservation covenant over the park properties identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD. The \$15,000 contribution will be placed into the regional parks capital reserve fund.
- Policy:** The partnership with COLT on the conservation covenant is consistent with the Black Mountain - sntsk'il'ntən Regional Park Management Plan objectives and the Regional Parks and Greenways Plan for the Central Okanagan (2008 – 2020).
- 

### Background:

In 2014, the Regional District had acquired a total of 1,265 acres (512 hectares) of private lands and a Crown land License of Occupation surrounding Black Mountain to form a new regional park, known as Black Mountain - sntsk'il'ntən Regional Park.

In 2016, as part of the Regional Parks Legacy Program, a Ten-Year Land Acquisition Strategy, the Regional District was presented with an opportunity to acquire 313.14 acres (126.73 hectares) of private lands from Longhorn Farms Ltd., located to the north and east of Black Mountain - sntsk'il'ntən Regional Park. The two properties identified for purchase from Longhorn Farms Ltd. included the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

The land acquisition was financed through a combination of funds coming from the 2016 regional parkland acquisition reserve fund, capital facility reserve fund and a Government of Canada Habitat Stewardship Program (HSP) grant valued at \$200,000. In addition, COLT had also expressed interest in assisting with the land purchase and had committed to contributing \$15,000 towards the purchase, and in return was seeking a conservation covenant to be registered over these properties.

In 2017, the Regional District completed the acquisition of the lands from Longhorn Farms for a final purchase price of \$2,350,000 as part of Black Mountain - sntsk'il'ntən Regional Park. Within the report to the Board to seek authorization to complete the acquisition, it was noted that COLT would be contributing \$15,000 towards the acquisition costs in exchange for a conservation covenant in favour of COLT. At that time the covenant or details about the covenant had not been finalized or been worked through and both parties agreed to work on the covenant as time and priorities became available.

Since 2019, parks staff and COLT have been working on a draft covenant that would meet the needs for both parties. For COLT, the covenant would allow them to be able to access funding to assist in projects to protect our natural areas and demonstrate to the broader community their ability in playing a part in protecting our environment. For the Regional District the covenant should provide the ability to work with COLT to access funds not available to local government. Both parties agree that the covenant should benefit both parties and not be so restrictive that the operations and small projects within the park cannot be performed without additional oversight. The additional oversight would occur when a park management plan is being completed or an update to it, or when a large capital project is being planned. In both scenarios it is common practice for parks staff to engage our partners in these discussions.

As a result of the time and energy provided by both parties, the final draft conservation covenant agreement meets the concepts and philosophy's that formed the basis of purpose for the covenant. For both parties, their respective solicitors have reviewed the content of the agreement and are in agreement that the arrangement will be beneficial to both parties while allowing the parks to complete its day to day operations and small project work without additional oversight.

A summary table of the benefits and constraints associated with entering into the conservation covenant with COLT is provided below.

<b>Benefits</b>	
Partnership	Strengthens and supports the long standing, successful partnership between the Regional District and COLT in regional parks. Examples include Robert Lake, Mission Creek Greenway and Johns Family Nature Conservancy Regional Parks and the Mission Creek Restoration Initiative.
Funding Opportunities	COLT can access and secure additional sources of funding through grant programs where the Regional District would not be eligible. An example of this is the Munson Pond and Mission Creek dike setback projects between COLT and the City of Kelowna, COLT was able to secure \$112,500 in funding towards the development of Munson Pond and \$400,000 for the dike setback on Mission Creek, in both cases the City wasn't eligible.
Funding Opportunities	COLT can assist with fundraising and establishment of an endowment fund for projects and initiatives at Black Mountain - sntsk'il'ntən Regional Park. An example being Munson Pond, a partnership between COLT and City of Kelowna and a newly created Munson Pond Endowment Fund by COLT, which will help with projects to enhance and protect the pond ecosystem and wildlife.
Public Engagement	COLT can assist in public engagement and education through their activities as a community liaison to promote the protection of natural areas, ecological restoration and to strengthen regional biodiversity in the Okanagan, and is a champion supporting Regional Parks.

Ecological Restoration	COLT can assist the Regional District in ecological restoration projects and provide annual monitoring of the conservation covenant lands. In addition, COLT is another resource that has been successful in securing volunteer assistance towards ecological restoration such as weed pulls and planting opportunities.
Park Presence	COLT can assist the Regional District by being an additional presence in the park and can notify the Regional District about any issues or concerns occurring on the park properties. Their connection to the land through the covenant increases their awareness and interest in protecting the land as a regional park.

Constraints	
Land Title	The conservation covenant will be registered on the title of both park properties. This will be an encumbrance that runs with the lands in perpetuity.
Consultation	A minor increase in staff resource time will be required to meet the terms of the covenant, which in general is related to management plan updates and larger capital development projects or planning related projects.
Park Operational and Development Impacts	The conservation covenant will have minor impacts on park operations and capital development by restricting or limiting the type of development, activities and uses on the lands in order to protect and conserve the ecosystem and wildlife values, which correlates directly to the park management plan and identified park management zones in the park which guide where park development is to occur.

In conclusion, staff believe the benefits to the Regional District and the greater community through entering into a conservation covenant with COLT, outweigh any potential replicated oversight on the lands within Black Mountain - sntsk'il'ntən Regional Park. The strengthened partnership with COLT at Black Mountain - sntsk'il'ntən Regional Park will provide numerous opportunities and benefits for the future development and sustainable management of Black Mountain - sntsk'il'ntən Regional Park. In particular, the greatest benefits will be the continued growth in support of the Regional District's partnership with COLT and the opportunity to access grant funding that the Regional District would not otherwise be able to access. In addition, the covenant has been drafted in a manner that meets the needs of COLT to operate their societal interests and for the Regional District to operate the park as a Regional Park on behalf of our residents.



**Financial Considerations:**

As part of the arrangement between the Regional District and the Central Okanagan Land Trust, the \$15,000 contribution will be placed into a capital reserve fund for future use.

**Alternative Recommendation:**

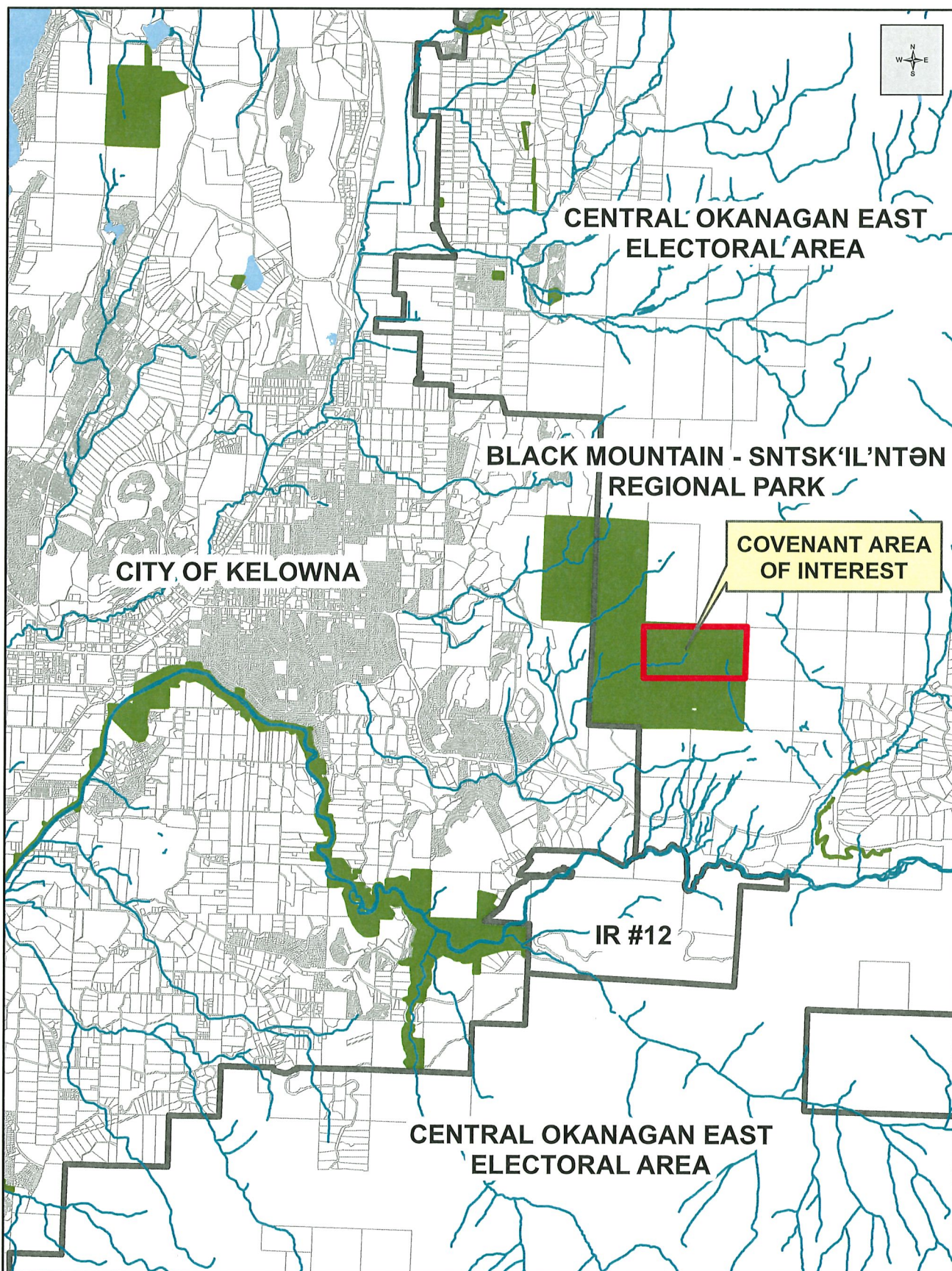
**THAT** the Regional Board **not** approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.1 acres/ 125.18 hectares of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

***Considerations not applicable to this report:***

- *Legal/Statutory Authority*
- *External Implications*

**Attachment(s):**

- Location Map – Black Mountain - sntsk'il'ntən Regional Park
- Conservation Covenant Area Map – Black Mountain - sntsk'il'ntən Regional Park
- Draft Conservation Covenant for Black Mountain - sntsk'il'ntən Regional Park

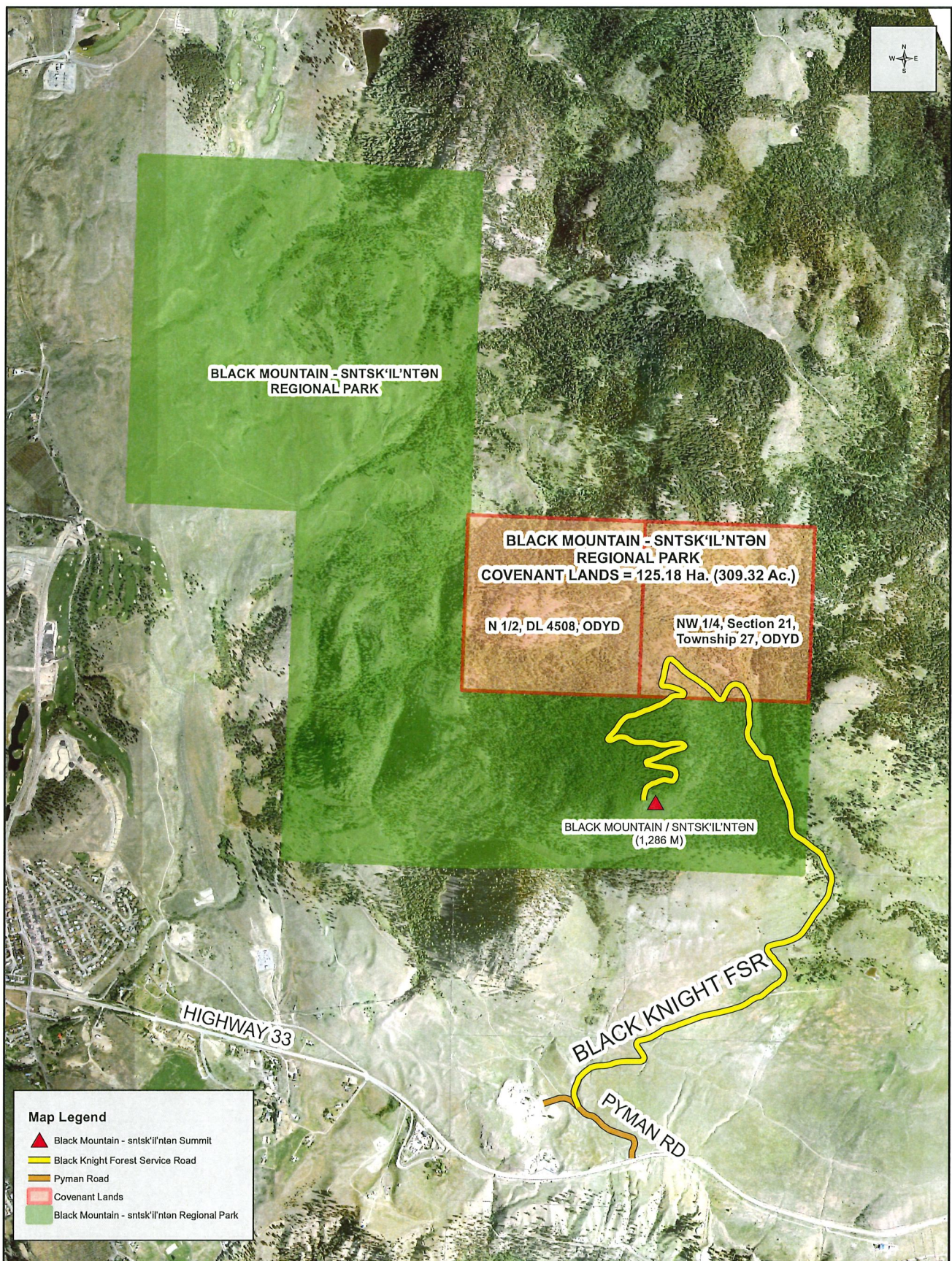


**BLACK MOUNTAIN - SNTSK'IL'NTƏN REGIONAL PARK  
LOCATION MAP**

1:85,000







# **BLACK MOUNTAIN - SNTSK'IL'NTƏN REGIONAL PARK CONSERVATION COVENANT AREA**





## TERMS OF INSTRUMENT- PART 2

THIS AGREEMENT made the \_\_\_\_ day of \_\_\_\_\_ 2021,

BETWEEN:

REGIONAL DISTRICT of CENTRAL OKANAGAN  
1450 K.L.O. Road  
Kelowna, British Columbia V1W 3Z4

(the "**Regional District**")

AND:

CENTRAL OKANAGAN LAND TRUST  
#306 – 1726 Dolphin Avenue  
Kelowna, British Columbia V1Y 9R9

("COLT")

- A) WHEREAS the Regional District is the registered owner in fee simple of all and singular that certain parcel(s) or tract(s) of land and premises, situate, lying and being in the Kelowna Assessment Area, in the Province of British Columbia, more particularly known and described as:

Parcel identifier: 001-713-744  
The North ½ of District Lot 4508 Osoyoos Division Yale District

Parcel identifier: 001-713-736  
The North West ¼ of Section 21 Township 27 Osoyoos Division Yale District

(hereinafter called the "**Lands**");

- B) AND WHEREAS pursuant to section 219 of the Land Title Act, R.S.B.C. 1996 c.250, a covenant may be registered against the title to the Lands in favour of COLT and is enforceable against the Regional District and the successors in title of the Regional District even if the covenant is not annexed to land owned by COLT;
- C) AND WHEREAS a covenant registrable under section 219 of the Land Title Act may be of a negative or positive nature and may include provisions in respect of the use of land or the use of a building on or to be erected on land and may further include provisions that land or a specified amenity in relation to the land be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state in accordance with the covenant and to the extent provided in the covenant including any natural, environmental, wildlife or plant life value relating to the land that is subject to the covenant;
- D) AND WHEREAS the Regional District has agreed to the preservation, conservation, and protection of amenities of that portion of Lands, excluding the 1.55 hectare section of the gazetted Black Knight Forest Service Road right-of-way (registered under DF M10491), shown in bold on the map attached hereto as Schedule A, (the "**Black Knight FSR**"); and

- E) AND WHEREAS COLT has an interest concerning the preservation, conservation and protection of amenities of the Lands and other matters as provided herein.

NOW THEREFORE in consideration of the promises set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree, pursuant to section 219 of the *Land Title Act*, as follows:

- 1) The Regional District covenants and agrees that the Lands shall be used for the conservation, preservation, protection and enhancement of amenities and the naturally occurring ecosystems found within the Lands, in accordance with the Black Mountain - sntsk'il'nten Regional Park Management Plan, as that Plan may be amended or replaced from time to time, and that except as contemplated under or permitted by that Plan or this Agreement, the Regional District will let the natural process of habitat creation proceed, where appropriate, within the Lands.
- 2) The Regional District covenants and agrees to prepare a baseline inventory report for the Lands, which will serve as an objective information baseline to enable both parties to monitor compliance with this Agreement.
- 3) The Regional District covenants and agrees that COLT, by its officers, employees, contractors and agents, may enter the Lands at least once per year, upon reasonable notice being given to the Regional District, for the purposes of inspection of the Lands so as to determine compliance with this Agreement.
- 4) The Regional District agrees that COLT will have no obligation to ensure compliance with or enforce the terms of this Agreement.
- 5) COLT acknowledges and agrees the Westbank First Nation may have access to the Lands and its resources to exercise their Aboriginal Rights and Title for members' access and traditional use.
- 6) COLT acknowledges and agrees that the Regional District may permit members of the public to access and use the Lands for recreation and park enjoyment purposes, on foot and with horses, bicycles and motor assisted cycles on roads and trails from time to time located on the Lands.
- 7) COLT acknowledges and agrees that nothing in this Agreement shall affect or restrict the use of the Black Knight FSR or any unsurveyed informal roadways, nor shall anything in this Agreement affect or restrict the rights of the holders of any charges from time to time registered against title to the Lands, including any easements and any statutory rights of way under section 218 of the *Land Title Act*, or the rights of the holders of any park access permits issued by the Regional District from time to time for access through the Lands including using motorized vehicles and horses.
- 8) The Regional District, through the Black Mountain - sntsk'il'nten Regional Park Management Plan planning process and including any subsequent updates and revisions to that plan, agrees to confer with COLT as a key stakeholder. The Regional District agrees to also confer with COLT on major capital and planning projects for the Lands with regards to decisions concerning the preservation, recreation, conservation, and protection of the Lands, and the location of access routes within the Lands.
- 9) COLT acknowledges and agrees that the Regional District may develop and construct and install improvements, utilities, services and public amenities on and to the Lands, in accordance with, or contemplated, proposed or suggested under, the Black Mountain - sntsk'il'nten Regional Park Management Plan as amended or replaced from time to time, including to facilitate public access to and upon and through the Lands.

- 10) COLT acknowledges agrees that the Regional District may remove dangerous trees and invasive plant species from the Lands and may make other alterations to the Lands and its amenities as the Regional District may consider necessary or desirable for the Regional District to manage and operate the Lands as a regional park or to address, mitigate or otherwise deal with a hazard or emergency situation which may threaten human health, property or safety.
- 11) COLT shall not be permitted to assign this Agreement, without the prior written consent of the Regional District.
- 12) Any notice which may be or is required to be given under this Agreement must be in writing and may be sent by Express Post or other form of registered mail or delivered by hand.

a. to the Regional District at the following address:

REGIONAL DISTRICT of CENTRAL OKANAGAN  
1450 K.L.O. Road  
Kelowna, B.C. V1W 3Z4  
ATTENTION: Parks Services

b. to the COLT at the following address:

CENTRAL OKANAGAN LAND TRUST  
#306 – 1726 DOLPHIN AVENUE  
Kelowna, BC, V1Y 9R9  
ATTENTION: Director

or to such other addresses as the Regional District or the COLT may advise in writing.

- 13) Pursuant to section 219 of the *Land Title Act*, this Agreement shall run with, and bind the successors in title to, the Lands.
- 14) There are no representations, promises, warranties or other commitments of any party except as set out in this Agreement.
- 15) Nothing contained in this Agreement shall impair or affect the exercise by the Regional District of its statutory functions, including all rights and powers under any enactments, letters patent, bylaws, orders, regulations or other source of authority.
- 16) Where a dispute arises between the Regional District and COLT with respect to the interpretation of this Agreement or Regional District compliance with this Agreement, the parties will attempt in good faith to resolve the dispute within 30 days following the delivery of a Dispute Notice by one party to the other, or such longer period as the parties may agree in relation to the particular dispute, including, if they agree that the Regional District is not in compliance with this Agreement they will also attempt to identify what steps the Regional District is to take in response to such non-compliance.

As evidence of their agreement to be bound by this Agreement, the Regional District and COLT have executed the *Land Title Act* Form C attached to and forming part of this Agreement.

Schedule A

