

# Terms of Reference

## RDCO Electoral Area West - North Westside Governance and Services Study

November 2021

### Overview

The purpose of the Governance and Services Study (Study) is to engage the public in an analysis of the current state of local governance and service delivery in the Regional District of Central Okanagan (RDCO) Electoral Area West North Westside communities.

This Study will describe and educate on facets of governance and services in Electoral Area West, engage the public to understand the concerns and interests of North Westside residents, and identify robust options, within the regional district framework, for addressing the most pressing interests of the communities.

Options will be informed by different restructure approaches made available by the *Local Government Act*, including flexibility with electoral area boundaries, establishment of advisory or management commissions for service delivery, and broad scope with communication and public engagement approaches to meet the unique needs of rural communities.

This Study will build on a previous 2017 North Westside Services and Community Issues Review. The outcomes of the 2017 Study were for the RDCO to improve communication methods within the communities, establish a platform for regular dialogue and to conduct a detailed diagnostic assessment of the services that are of principal concern to the community.

This Study will expand on the 2017 work and:

- Describe the governance of unincorporated areas, contrasted with governance of municipalities as appropriate for clarity;
- Describe how decisions are made in each local government jurisdiction for each of the local government services received;
- Identify and describe the different roles, responsibilities, and jurisdictions of all service providers, including the costs and cost recovery method for services;
- Identify geographies of concurrent services and cohesive community identities; and,
- Engage residents and property owners in the identification of common interests and concerns.

With a common understanding of the local government system there will be an opportunity for the community to engage in a discussion about the ways in which the current structure of governance is and is not meeting the needs of the community and the identification of common issues facing residents and property owners.

The Study will not provide detailed technical or financial information on the impact of municipal incorporation. It is not an incorporation study. This Study will outline considerations moving forward to meet provincial priorities and objectives. Considerations that may be identified in the Study include local

community size, community vision, community tax base trends, community business, industry, economic growth, and community interests.

## **Study Process**

RDCO staff, working with the Electoral Area Director will develop a request for proposals (RFP) for the consultant that builds upon the parameters set out in these terms of reference. The RFP will be issued by the RDCO following the regional district's procurement policy and process.

The Study consultant is independent, neutral, and qualified from the private sector. The Study consultant is a technician who should facilitate discussions and provide information without taking a position within the Committee or community. The consultant's report will conform to these principles and will be free of undue influence and will represent unbiased statements of facts, options, and conclusions. The consultant shall work closely with the Study Committee and report directly to the RDCO, who will administer the contract.

A local Study Committee is appointed by the Board, on the recommendation of the Electoral Area Director. Once established, the Study Committee will work with the consultant through the research and education elements of the Study work and engaging the community in discussion of the Study findings.

The Study process will include:

- Research, documentation, and technical analysis, culminating in a preliminary governance and service Study report.
- Public engagement and stakeholder consultation processes focused on the contents of the preliminary report findings and issues identification.
- Synthesis of the situation and issues to determine realistic options for addressing issues and concerns, with an outline of implementation or next steps for each option.

The Study will culminate in final governance and services report, providing a synopsis of both the governance and service findings and a summary of the outcomes from the public engagement process and a framework for assessing options, including their next steps.

Following completion of the Study, the consultant will present the report to both the Study Committee and the RDCO Board to comment on the findings, including a review on governance or service changes that can be accommodated within their local authority. The report findings will also be provided to staff at the Ministry of Municipal Affairs (Ministry).

The report may offer a series of recommendations, of which the Study Committee may then request to be further explored by the RDCO Board. This may include local government restructure alternatives based upon a summary of the public sentiment in the community and the feasibility of the options and next steps identified in the report. As part of these recommendations, the RDCO Board may contact the Ministry to consider other factors in the decision to fund or address alternatives.

## **Study Committee**

The Study Committee, working with RDCO staff and the consultant, ensures that the Study and engagement with the community are neutral and balanced. The composition of the volunteer Study

Committee should be broadly representative of the various interests and localities in the Study area. There will be 7 to 12 members, selected through an advertised call for members.

The Study Committee is an objective fact-finding body; individual members should ensure that any expression of their personal opinions do not detract from the ability of the Study Committee to function as a neutral conduit for information to the community.

Meetings are open to the public and members will conduct themselves in accordance with the RDCO Conflict of Interest and Code of Ethics policies. Meetings of the Committee will be conducted in accordance with the RDCO Procedure Bylaw.

The Study Committee includes the Electoral Area Director in ex-officio (non-voting) capacity, and the Study Committee will select a chair and other positions from among its membership.

### **Public Engagement**

The Study Committee should determine how best to engage with the public and other stakeholders directly affected in the Study process. It is important to establish parameters for public participation so that residents and property owners understand the opportunities to participate in the Study. The Committee may wish to have the consultant assist in finalising the public engagement process.

The public engagement strategy should include:

- community meeting(s) to present information to the public and to seek community feedback;
- a process to gather information from the public on subjects such as community issues;
- an understanding of the communication issues identified in the 2017 Study;
- careful consideration of public engagement strategies during COVID-19; and
- a communication strategy for reporting out to the public on the Study progress.

### **Scope of Work**

#### *Study Area*

The governance Study area is Electoral Area West, with an emphasis on the North Westside communities. This leaves options for Committee membership to include diverse perspectives of the greater community (e.g., Westbank residents or Electoral Area residents outside of the fire service area).

#### *Study Timeline*

The Study must be completed and delivered to the Minister no later than September 30, 2022. The Study Committee will develop timelines for the Study in discussion with Ministry staff. Ministry staff will have the opportunity to review a draft of the Study and to provide comments prior to completion of the final Study.

<b>Task/Deliverable</b>	<b>Completion Date</b>
Interim progress report delivered to MUNI	February 28, 2022
Draft report provided to RDCO and MUNI staff for review/comment	July 31, 2022

Final formatted report delivered to RDCO and MUNI	September 30, 2022
Final account of project expenses delivered to MUNI	November 30, 2022

This timeline will become more certain after a consultant is selected and agreement is reached with the consultant on a feasible study completion schedule. Timelines may be flexible, to factor in unanticipated delays, and may be adjusted with mutual consent of the Ministry and the RDCO.

### *Study Contents*

The final Study should align with the objectives of the Study. The report should present observations and analysis in a form that is legible and understandable to a broad public audience. The Study contents should include, but are not limited to:

- 1. Community characteristics and socio-economic profiles in relation to each of the settlement nodes within the Study area.**
- 2. Overview of rural governance.**
  - a. Explain the federated nature of regional districts, their three central roles, and the financial obligations of a regional district member (both electoral area and municipal).
  - b. Outline the powers and responsibilities of regional districts.
    - i. Contrast the processes in regional district and municipal decision making related to local decisions.
    - ii. Note differences in powers and responsibilities for municipalities.
- 3. Identify the different design choices made available under the *Local Government Act* for rural governance.**
  - a. Explain the different opportunities for service delivery.
    - i. Describe the ability to have parallel services (e.g., fire protection).
    - ii. Identify Board decision-making requirements for rural services and how decisions on rural services provided in one electoral area only need to be made by the full Board, whereas decisions on services with multiple participants can be made by just those Directors.
- 4. Describe the tax assessment system in BC and taxation in unincorporated jurisdictions.**
  - a. Describe the available approaches to cost apportionment and cost recovery for services.
- 5. Analyze current governance and service delivery in and around Electoral Area West**
  - a. Describe the provision of services with reference to each of the major service providers (RDCO, private utilities, and the Province), their governance structure, service geography and methods of cost recovery.
  - b. Describe how the service providers make decisions in relation to the services provided to the community.
  - c. Describe the relationship between different service providers, and how those linkages are functionally managed where the affected services are provided by different organizations.
  - d. Describe the level of cooperation/collaboration amongst governing bodies of service providers, with reference to their relative roles and responsibilities.
  - e. Note variations in governance and/or service features and levels across different sub-areas of Electoral Area West, and complexities or benefits that arise.
- 6. Synopsis of public engagement**
  - a. Report on results of stakeholder consultation meetings.
  - b. Summary of public engagement activities.

- c. Summary of community issues and future community needs including an analysis of the current local government structure's ability to address issues or meet needs.

## **7. Appendices**

- a. Copies of public engagement materials.
- b. Copies of foundational documents (e.g., Minister's letter to the RDCO Board, project Terms of Reference, Request for Proposals).

## **Out of Scope**

Detailed technical and financial information on the impact of municipal incorporation. This analysis would be found in an incorporation study.

## **Role of Ministry**

MUNI staff will be available as a resource to RDCO staff, the Committee, and the consultant, and provide additional input including review of the draft materials and provision of comments prior to completion of the final report.

## **Administration of the Study**

As discussed in the "Study Process", the RDCO will procure a consultant, or consultants, in accordance with the RDCO's procurement policy.

An independent consultant will be sought to undertake this study with sufficient experience and expertise in local government boundary extension/restructure, service delivery and governance studies to effectively identify restructure implications arising from the selection of study boundaries.

In working with the consultant, the RDCO is responsible for ensuring that expected outputs completed by the consultant meet the requirements outlined in this Terms of Reference. This will be culminated through progress reports that will be shared with Ministry staff, the community and the RDCO Board.

The consultant shall work closely with the Study Committee and report directly to the RDCO, who will administer the contract. The total funding available for the governance Study will be determined by the RDCO. The Ministry's financial commitment to the governance Study is \$60,000.

The RDCO will provide MUNI staff with a copy of the selected consultant's proposal accepted as the basis of a contract for the study and/or a preliminary outline of the study and work plan before substantive work begins.