

CITY OF MERRITT

**AGENDA FOR THE SPECIAL COUNCIL MEETING TUESDAY, FEBRUARY
6TH, 1996 AT 5:00 PM, CIVIC CENTRE MEETING ROOM #1, 2185 VOGHT
STREET, MERRITT, BC**

AGENDA

- 1. Arena Project** **Pages 1 – 10**

- 2. Regional Growth Management Strategy Workshop –
Regional District Consultants scheduled to attend at 7:00 PM** **Pages 11 – 20**

- 3. Adjournment:**

Budget:	Approved Grant Costs	\$ 2,391,000
	Deduct Interim Financing	(50,000)
	Available Construction Budget	\$ 2,341,000

The estimated cost of all items which MUST BE REHABILITATED IN the arena is as follows:

Item	Cost
.1 New Addition - Lower Level 5,900 sq. ft. @ \$105	\$ 620,000
- Lounge Area 3,900 sq. ft. @ \$80	308,000
- Ice Plant Room 700 sq. ft. @ \$80	56,000
2 Demolish Existing Building	*** 50,000
3 Rehabilitation of Truss-Arches (structural)	175,000
4 Rehabilitation of Arena Roof (joists, insulation, membrane)	370,000
5 Upgrade Arena Exit Doors and Hardware	5,000
6 Install Sprinkler System	90,000
7 Rebuild Existing Ice Plant Equipment and Piping	72,000
8 Install Arena Exhaust System	12,000
9 Electrical Distribution System (consolidate services)	55,000
10 Fire Alarm, Emergency Lighting, Exit Signage	20,000
11 Upgrade Existing Sound Room	7,000
12 Reroute Storm Sewer & Watermain	City
Subtotal	\$ 1,840,000
Contingency *	135,000
Engineering @ 10% **	207,000
TOTAL (pre G.S.T.)	\$ 2,182,000

* Contingency is 5% on new addition, 10% on all other items.

** Includes cost to design (6%) exterior cladding & insulation, arena interior, third ice plant, referees room, landscaping and storm/watermains.

*** A \$25,000 reduction could possibly be achieved through community involvement.

The estimated cost of some additional items which could be added into the project are as follows (these estimates include engineering, if not already done, and 10% contingency):

Item	Cost
A. Upgrade Zamboni Room	\$ 100,000
B. Paint Arena Interior	102,000
C. Third Ice Plant	68,000
D. Install New Ice Slab	306,000
E. New Dasher Boards/Glass	110,000
F. New Seats (400)	50,000
G. Exterior Cladding and Insulation	171,000
H Landscaping for Town Square Appearance	24,000
I. Upgrade Existing Referees Room	7,000
J. Large Access Door (not required if A is undertaken)	40,000
K. Sound System	40,000
TOTAL	\$ 1,020,000

MEMORANDUM

TO: T.C. Day, City Administrator
FROM: S. Gill, Treasurer
RE: Arena Financing
DATE: February 2, 1996

PROJECT FINANCING:

Expenditures:	<u>\$ 2,391,000</u>
Revenue:	
Infrastructure Grant:	1,594,000
City	<u>797,000</u>
Total:	<u>\$ 2,391,000</u>

CITY PORTION FINANCING:

1995 Budget Year	\$ 100,000
1996 Budget Year	<u>100,000</u>
Subtotal:	\$ 200,000
Long Term Borrowing:	<u>597,000</u>
Total:	<u>\$ 797,000</u>

TNRD CONTRIBUTION:

Optimistically = 22% = .22 x 797,000 =	\$175,000
Pessimistically = 0%	0

FIRST NATIONS CONTRIBUTION:

Optimistically = 10% = .10 x 797,000 =	\$ 79,700
Pessimistically = 0%	0

RESERVE FOR FUTURE EXPENDITURE: \$ 33,000

INTERIM BORROWING COSTS: \$ 50,000

BORROWING COSTS, LONG TERM:

Assumptions: Interest Rate 9 1/2%

Borrow \$597,000 Over 20 Years Equals Annual Payment of \$75,000.

Borrow \$597,000 Over 15 Years Equals Annual Payment of \$84,500.

Borrow \$797,000 Over 20 Years Equals Annual Payment of \$100,000.

Borrow \$797,000 Over 15 Years Equals Annual Payment of \$112,500.

SCHEDULE OF BORROWING:

Debt Placement Will Be Spring of 1997.

Therefore, Interest Payment Required in Fall of 1997 Will Be:

Either \$57,000 or \$76,000, Depending on the Amount Borrowed.

\$57,000 = Borrowing \$597,000.

\$76,000 = Borrowing \$797,000.



February 1, 1996
File: 90-740-01

City of Merritt
Box 189
MERRITT, BC
VOK 2B0

Attention: Dalyce Mackey

Dear Dalyce:

Reference: Merritt Arena Ice Slab Discussion

This letter provides my understanding of the information the Fund Raising/Arena Advisory Committee agreed upon at their January 30, 1996 meeting and would like presented to Council for consideration.

Background

During the predesign work when the priorities for the project were being established, the Advisory Committee indicated that the present ice slab and associated eight month arena usage was adequate. They now feel that they underestimated the importance of a new ice slab. Over the past several months they have re-evaluated their priorities and have reached the conclusion that to them, having up to date arena system components is more important than improved esthetics.

The Committee feels that the most basic component of the arena is the ice slab. The present slab is in poor condition, susceptible to frost heave, unsuitable for roller hockey, and can only be used eight months a year. Therefore, they feel the ice slab should be replaced as part of the arena upgrading project. The ice slab would be replaced with a new slab including a reheat system. A new slab would allow the City to maintain ice in the arena year round (if so desired), eliminate the frost heave potential, provide a smooth concrete surface suitable for roller hockey and other uses and remove the risk of a pipe failure present in the existing slab.

The need for a new ice slab is accelerated by the more urgent need to replace the existing boards and glass. The Committee feels that the dasher boards and glass are needed urgently enough to be the top priority on their fund raising agenda in order to ensure they are replaced in 1996 as part of the arena upgrade. Unfortunately, dasher boards and glass are specific to the support system to which they are attached. If that support system changes, only 40-50% of the board/glass system can be salvaged. Therefore, it only makes sense to replace the ice slab at the same time as the boards/glass if the ice slab is going to be replaced within the next 2-5 years.

The estimated cost of replacing the present ice slab with a new ice slab including a reheat system is \$255,000 in addition to the \$100,000 cost of upgrading the dasher boards and glass.



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The Committee recognizes that additional funds of this magnitude are not available. Therefore, they propose the following combination of fund raising and arena priority changes in order to make the necessary funds available.

Fund Raising

The Committee feel that they will be able to raise at least \$250,000 from within the community for arena related items. They are also convinced that at least an additional \$25,000 can be saved through local donations toward demolition of the existing front end.

The Committee's priorities and proposed allocation of funds raised through the fund raising drive, before and after the review of their position on the ice slab are as follows:

Item	Previous		Present	
	Priority	Cost	Priority	Cost
New Ice Slab	N/A		1	\$ 50,000
New Boards/Glass	1	\$100,000	2	\$100,000
Seats	2	\$100,000	3	* \$ 50,000
Sound System	3	\$ 40,000	4	\$ 40,000
Other Items on Contingency List	4	\$ 10,000	5	\$ 10,000
TOTAL		\$250,000		\$250,000

* The number of seats to be initially installed in the arena will be reduced from 900 to 400.

The Committee is prepared to allocate the first \$150,000 of money raised to the supply and installation of the ice slab and boards/glass. The purpose of this repriorization is two fold. Firstly, the Committee could not find a sufficient value in items they were comfortable deferring to cover the cost of the new ice slab so they allocated \$50,000 from "their" budget to cover the difference. Secondly, they reorganized the need to ensure that the risk to the City of an over budget project does not increase if Council agrees to repriorize the construction aspects proposed in the next section of this letter.

Proposed Priority Changes

As explained earlier, the main method in which the Committee hopes to make funds available for the new ice slab is to convince City Council to revise the project priorities. In other words, they feel that the provision of a new ice slab is more important than several "esthetic" items which are presently in the budget.

There are presently four status levels that arena items can be classified as:

1. In the present arena upgrade budget (B);
2. On the contingency list of items which will be constructed if funds are available near the end of construction. These items are also prioritized (C1, C2, etc.);
3. Not in the budget (NB); and
4. Proposed to be included in the project through fund raising (FR).

The following table identifies the items presently proposed for discussion, defines their budget value and present status, and outlines the Committee's proposed repriorization.

Item	Present		Proposed	
	Status	Budget	Status	Budget
New Slab	NB	255,000	B/FR	205,000/50,000
Boards/Glass	NB	100,000	FR	100,000
Seats	NB	50,000	FR	50,000
Sound System	NB	40,000	FR	40,000
3rd Ice Plant	CI	60,000	CI	60,000
Large Access Door	C2	33,000	C2 *	33,000
Exterior Cladding & Insulation	B	150,000	NB	150,000
Demolition	B	50,000	B/FR	25,000/25,000
Interior Paint	C3	90,000	C	90,000
Landscaping	B	21,000	NB	21,000
Referees Room	B	8,000	NB	8,000
TOTALS	B	229,000	B	230,000
	NB	445,000	NB	179,000
	C	183,000	C	183,000
	FR	0	FR	265,000
		857,000		857,000

The above table can be simplified by stating that the new ice slab could be funded by:

- removing the exterior cladding and insulation from the budget;
- removing the landscaping from the budget;
- removing the referees room upgrade from the budget;
- reducing demolition costs by \$25,000 through community involvement; and
- contribution of \$50,000 from the Fund Raising Committee to the budget.

Other Considerations

The following discussion are items which Stanley Associates feels the City should take into account in their decision.

1. If we are to have any hope of completing the design on time, we MUST FINALIZE what is in the budget and what is not. Inclusion or removal of these items effects many other aspects of the design and is significantly effecting our design production.
2. The City has indicated that they plan to upgrade Merritt Avenue in 1996. This upgrading will eliminate the ability for the zamboni to exit the rear door to dispose of snow. Therefore, the zamboni area of the arena will have to be upgraded. The estimated cost of upgrading this area including installing an ice melt pit and large overhead door is \$100,000 (\$33,000 is presently allocated to the overhead door as a contingency item). This \$100,000 is presently not in the budget.

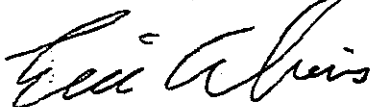
3. I think it is important for the City to make sure that non ice users also believe that the City got something for the \$2.4 million. In order to achieve this I think the interior painting is important.
4. With the above point 3 in mind, I think a greater positive impression would be achieved if the interior of the arena were painted compared to replacing the exterior cladding and insulation. Few people will remember what the building exterior looks like but everyone will notice if the interior is not upgraded and painted. If Council decides to stay with the present budget, I suggest this change be considered.
5. One of the original fund raising ideas was to have the curling club raise the \$60,000 required for the third ice plant. What has come of this?
6. If the ice slab, dasher boards and glass are replaced at this time, 40% (\$150,000) of the total cost of this work will be provided through community fund raising. However, if the slab heaves badly or pipe breaks occur at some point in the future, there is a good chance that the City would have to absorb the entire cost of replacing the ice slab at that time.
7. The Fund Raising Committee appears to believe strongly that their fund raising goal of at least \$250,000 is achievable. What has not been produced (at least not to my knowledge) at this time is a concrete plan of how this will be accomplished, who is in charge, and what their schedule/time frame is. If the construction work is to be awarded to a contractor, there must be some assurance that the funds will be raised.

I realize the above does not include any recommendations regarding which is the best solution. Both set of priorities are technically feasible and both can be rationalized. This decision comes down to the City finalizing what it is they want to accomplish through the arena project.

I trust the above information is adequate for you to make the necessary decisions. Please call me if you have any questions.

Yours very truly,

STANLEY ASSOCIATES ENGINEERING LTD.



Eric Wiens, P. Eng.,
Kamloops Branch Manager

ELW:sc

Arena Fundraising Committee
February 2, 1996

The following represents the efforts of the fundraising committee to date:

- Introductory letters were sent to 8 large corporations and all Merritt Service Clubs early in November 1995.
- Introductory letters were sent to approximately 175 City of Merritt business early January '96.
- A gift book is presently being produced to deliver to local business (much the same as the pools).
- Follow up phone calls are being made to the 8 large corporations.
- Rotary Club has invited a representative to give a presentation at their February 8 meeting. Rotary has indicated that they do not have a project for 1996. Their contribution to the pool was \$30,000.00.
- The Royal Bank have expressed interested in being a sponsor.
- Coca Cola expressed interest immediately in purchasing the score clock. The confirmed verbally in December their intent, providing they would have exclusive rights to sell their product in the concession.
- The Merritt Herald (Dale Stoppler) has committed to providing advertising and promotion of the fundraising campaign. Dale attended the Jan. 3 meeting to show support.
- Vic Newton of the Bank of Montreal has expressed interest.
- Weyehaeuser have expressed an interest in being a major sponsor.
- First fundraising event is scheduled for the last home game of the Centennials, Friday March 1 at the Arena.
- A fundraising dance at the Arena has been tentatively scheduled for March 30 after the ice comes out and before demolition.
- One dozen seats have been spoken for.



Projected fundraising profits:

Referees Room	to be upgraded by volunteer ice users
Demolition	\$25,000.00 donation
Exterior Wall finish	\$5,000.00 donation
Seats -sell 400, generate	\$20,000.00
Rotary	\$30,000.00
Weyerhaeuser	\$15,000.00
Tolko	\$15,000.00
Aspen Planners	\$15,000.00
N.M.N. Lumbar	\$15,000.00
Ardeu	\$15,000.00
Highland Valley Copper	\$ 5,000.00
Trans Mountain Pipeline	\$10,000.00
Lions Club	\$10,000.00
Elks	\$ 5,000.00
Kinsmen	\$ 5,000.00
Kiwanis	\$ 2,000.00
Bank of Montreal	\$ 5,000.00
CIBC	\$ 2,000.00
Royal Bank	\$ 5,000.00
MacDonald's	\$10,000.00
Chain Restaurants:	\$10,000.00
Dairy Queen	
A & W	

KFC
Robin's Donuts
ABC

Gift List Donations \$20,000.00

Events:

Dance \$10,000.00

March 1 Game \$5 - 10,000.00

Monte Carlo Night \$5 - 10,000.00

Garage Sale/Auction \$10,000.00

Raffle (car/shopping spree) \$10,000.00

"Ton of Quaters" = \$40,000.00

Door to door contributions

\$329,000.00

* Does not include a contribution from Tribal Council if they chose not to contribute to operational costs.

Ongoing fundraising:

500 more seats \$25,000.00

Oldtimer canucks vs Conks \$10,000.00
"Official opening"

Dance next spring \$10,000.00

Other Events throughout
years
annual F.R. Function.

MEMORANDUM

TO: MAYOR AND COUNCIL

FROM: T.C. DAY, CITY ADMINISTRATOR

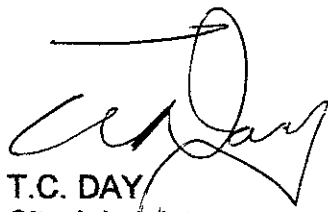
RE: REGIONAL GROWTH MANAGEMENT STRATEGY WORKSHOP
SCHEDULED FOR TUESDAY, FEBRUARY 6, 1996 AT 7:00 P.M.

DATE: FEBRUARY 2, 1996

The one issue that I believe Merritt should emphasize in the development of the Regional Growth Strategy is the issue of regional cost sharing of municipal soft services. I believe that Council should push to have included either a cost sharing formula or a formal negotiation process, together with an agreed set of principles to deal with this issue. Examples of soft services that should qualify for sub-regional sharing include: recreation, emergency services, and victim's services.

This may be the City's best opportunity to solidify our position on this matter. All member municipalities must consent to the plan (subject to a number of mediation alternatives which Council may wish to discuss with the consultants), so the City should be able to achieve some level of recognition of our long standing issue.

Respectfully submitted,



T.C. DAY
City Administrator

TCD/seh

growth.mem

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Division (1) – Application and Content of Regional Growth Strategy

Purpose of regional growth strategy



942.11 (1) The purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.

(2) Without limiting subsection (1), to the extent that a regional growth strategy deals with these matters, it should work towards but not be limited to the following:

- (a) avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economic and efficient manner;
- (b) settlement patterns that minimize the use of automobiles and encourage walking, bicycling and the efficient use of public transit;
- (c) the efficient movement of goods and people while making effective use of transportation and utility corridors;
- (d) protecting environmentally sensitive areas;
- (e) maintaining the integrity of a secure and productive resource base, including the agricultural and forest land reserves;
- (f) economic development that supports the unique character of communities;
- (g) reducing and preventing air, land and water pollution;
- (h) adequate, affordable and appropriate housing;
- (i) adequate inventories of suitable land and resources for future settlement;
- (j) protecting the quality and quantity of ground water and surface water;
- (k) settlement patterns that minimize the risks associated with natural hazards;
- (l) preserving, creating and linking urban and rural open space including parks and recreation areas;
- (m) planning for energy supply and promoting efficient use, conservation and alternative forms of energy;
- (n) good stewardship of land, sites and structures with cultural heritage value.

1995-9-7.

Content of regional growth strategy



942.12 (1) A board may adopt a regional growth strategy for the purpose of guiding decisions on growth, change and development within its regional district.

(2) A regional growth strategy must cover a period of at least 20 years from the time of its initiation and must include the following:

- (a) a comprehensive statement on the future of the region, including the social, economic and environmental objectives of the board in relation to the regional district;
- (b) population and employment projections for the period covered by the regional growth strategy;
- (c) to the extent that these are regional matters, actions proposed for the regional district to provide for the needs of the projected population in relation to
 - (i) housing,
 - (ii) transportation,

- (iii) regional district services,
- (iv) parks and natural areas, and
- (v) economic development.

(3) In addition to the requirements of subsection (2), a regional growth strategy may deal with any other regional matter.

(4) A regional growth strategy may include any information, maps, illustrations or other material.

1995-9-7.

Area to which regional growth strategy applies

942.13 (1) Unless authorized under subsection (2) or required under section 942.14, a regional growth strategy must apply to all of the regional district for which it is adopted.

- (2) On request by the applicable board or boards, the minister may authorize a regional growth strategy that
- (a) applies to only part of a regional district, or
 - (b) is developed jointly by 2 or more regional districts to apply to all or parts of those regional districts.

(3) The minister may establish terms and conditions for a regional growth strategy authorized under subsection (2) or required under section 942.14.

(4) If the minister considers this necessary or advisable for a regional district service in relation to a regional growth strategy referred to in subsection (3), the minister may by order give directions respecting the operation of the service, sharing of costs, voting on bylaws and resolutions relating to the service, the intergovernmental advisory committee and other matters relating to the regional growth strategy.

(5) To the extent of any inconsistency between this Act and an order under subsection (4), the order prevails.

1995-9-7.

Requirement to adopt regional growth strategy

942.14 (1) On the recommendation of the minister, the Lieutenant Governor in Council may, by regulation, do one or both of the following:

- (a) designate areas for which a regional growth strategy must be developed and adopted;
- (b) specify a time by which the regional growth strategy must be adopted.

(2) The minister must not make a recommendation referred to in subsection (1) unless, in the opinion of the minister, the area to which the regional growth strategy is proposed to apply has been experiencing significant change in its population, its economic development or an aspect of growth or development that involves coordination between local governments or affects more than one local government.

1995-9-7.

Division (2) – Preparation and Adoption Procedures

Requirements for adoption

942.15 (1) The following are required before a regional growth strategy is adopted:

- (a) the regional growth strategy must be initiated in accordance with section 942.16;
- (b) consultation must be conducted in accordance with section 942.17;
- (c) the regional growth strategy must be accepted by affected local governments in accordance with section 942.19.

(2) As an exception to subsection (1)(c), a regional growth strategy may be adopted without acceptance in relation to a specific provision if

- (a) the provision is included on the basis that it is not binding on the jurisdiction of a local government that has refused to accept it, and
- (b) the board considers that it is not essential to the regional growth strategy that the provision apply to that jurisdiction.

(3) A provision included under subsection (2) becomes binding on a jurisdiction if, at any time after adoption of the regional growth strategy, the local government for the jurisdiction indicates to the board that it accepts the provision.

(4) This Part, as it applies to the initiation, development and adoption of a regional growth strategy, applies to the amendment and repeal of a regional growth strategy.

1995-9-7.

**Initiation of regional
growth strategy process**



- 942.16** (1) The preparation of a regional growth strategy must be initiated by resolution of the board.
- (2) If a regional growth strategy is to apply to less than the entire regional district or is to be prepared jointly with another regional district, this must be authorized under section 942.13 (2) or required under section 942.14 before the regional growth strategy is initiated.
- (3) If, at the time of initiation, the board proposes to deal with an additional regional matter referred to in section 942.12 (3), the initiating resolution must identify the matter.
- (4) The proposing board must give written notice of an initiation under this section to affected local governments and to the minister.

1995-9-7.

**Consultation during development
of regional growth strategy**



- 942.17** (1) During the development of a regional growth strategy,
- (a) the proposing board must provide opportunity for consultation with persons, organizations and authorities who the board considers will be affected by the regional growth strategy, and
- (b) the board and the affected local governments must make all reasonable efforts to reach agreement on a proposed regional growth strategy.
- (2) For the purposes of subsection (1)(a), as soon as possible after the initiation of a regional growth strategy, the board must adopt a consultation plan that, in the opinion of the board, provides opportunities for early and ongoing consultation with, at a minimum,
- (a) its citizens,
- (b) affected local governments,
- (c) first nations,
- (d) school district boards, greater boards and improvement district boards, and
- (e) the Provincial and federal governments and their agencies.
- (3) A failure to comply with a consultation plan under subsection (2) does not invalidate the regional growth strategy as long as reasonable consultation has been conducted.
- (4) After second reading and before the regional growth strategy is submitted for acceptance under section 942.19, the board or a delegated panel of the board must conduct a public hearing that provides an opportunity for individuals and organizations to make their views known regarding the regional growth strategy.
- (5) The minister may make regulations respecting the procedure to be used for hearings under subsection (4).
- (6) For certainty, at any time during the development of a regional growth strategy, additional regional matters may be included in accordance with section 942.12 (3).

1995-9-7.

**Facilitation of agreement during
development of regional growth strategy**



- 942.18** (1) The minister may appoint facilitators for the purposes of this Part, whose responsibilities are
- (a) to monitor and assist local governments in reaching agreement on the acceptance of regional growth strategies during their development by
- (i) facilitating negotiations between the local governments,
- (ii) facilitating the resolution of anticipated objections,
- (iii) providing assistance to local governments in setting up and using non-binding resolution processes, and
- (iv) facilitating the involvement of the Provincial and federal governments and their agencies, first nations, school district boards, greater boards and improvement district boards, and
- (b) to assist local governments in entering into implementation agreements under section 942.3.

(2) On being notified that a regional growth strategy has been initiated, the minister may designate a person appointed under subsection (1) as the facilitator responsible in relation to the regional growth strategy.

(3) At any time until the end of the period for acceptance or refusal under section 942.19 (4)(b), the facilitator is to provide assistance referred to in subsection (1)(a) of this section if requested

(a) by the proposing board or an affected local government, or

(b) by an electoral area director of the proposing board, if this is supported by at least 2 other directors.

(4) Once a facilitator becomes involved under subsection (3), the proposing board and affected local governments must provide information as requested by the facilitator and must otherwise cooperate with the facilitator in fulfilling his or her responsibilities.

1995-9-7.

Acceptance by affected local governments required

942.19 (1) Before it is adopted, a regional growth strategy must be accepted by the affected local governments or, failing acceptance, become binding on the affected local governments under section 942.22 (6).

(2) Acceptance of a regional growth strategy by an affected local government must be done by resolution of the local government.

(3) For the purposes of this section, after the public hearing under section 942.17 (4) and before third reading of the bylaw to adopt a regional growth strategy, the board must submit the regional growth strategy to

(a) the council of each municipality all or part of which is covered by the regional growth strategy,

(b) the board of each regional district that is adjoining an area to which the regional growth strategy is to apply, and

(c) the facilitator or, if no facilitator for the regional growth strategy has been designated, the minister.

(4) After receiving a proposed regional growth strategy under subsection (3), each affected local government must

(a) review the regional growth strategy in the context of any community plans and regional growth strategies for its jurisdiction, both those that are current and those that are in preparation, and in the context of any other matters that affect its jurisdiction, and

(b) subject to an extension under section 942.2 (3), within 120 days of receipt either

(i) accept the regional growth strategy, or

(ii) respond, by resolution, to the proposing board indicating that the local government refuses to accept the regional growth strategy.

(5) An acceptance under subsection (4)(b) becomes effective

(a) when all affected local governments have accepted the regional growth strategy, or

(b) at the end of the period for acceptance or refusal under that subsection if, at the end of that period, all affected local governments have not accepted the regional growth strategy.

(6) If an affected local government fails to act under subsection (4)(b) within the period for acceptance or refusal, the local government is deemed to have accepted the regional growth strategy.

(7) If an affected local government refuses to accept the regional growth strategy, its resolution under subsection (4)(b)(ii) must also indicate

(a) each provision to which it objects,

(b) the reasons for its objection, and

(c) whether it is willing that a provision to which it objects be included in the regional growth strategy on the basis that the provision will not apply to its jurisdiction, as referred to in section 942.15 (2).

(8) All affected local governments are entitled to participate in any non-binding resolution processes used to resolve an objection or anticipated objection by an affected local government.

1995-9-7.

Resolution of anticipated objections

942.2 (1) Before the end of the 120 days referred to in section 942.19 (4)(b), the facilitator may require the proposing board and the affected local governments to identify any issues on which they anticipate that acceptance may not be reached.

- (2) If an issue is identified under subsection (1),
 - (a) the facilitator may require the proposing board and the affected local governments to send representatives to a meeting convened by the facilitator for the purpose of clarifying the issues involved and encouraging their resolution, and
 - (b) the proposing board and the affected local governments must provide information as requested by the facilitator and must otherwise cooperate with the facilitator in fulfilling his or her responsibilities.
- (3) For the purposes of this section, the facilitator may extend the period for acceptance or refusal under section 942.19 (4)(b).

1995-9-7.

Resolution of refusal to accept

942.21 (1) The proposing board must notify the minister in writing if an affected local government refuses to accept a proposed regional growth strategy.

- (2) After being notified under subsection (1), the minister must
 - (a) require a non-binding resolution process to attempt to reach acceptance on the regional growth strategy, specifying a time period in which the parties must begin the resolution process, or
 - (b) if satisfied that resolution using a non-binding resolution process under paragraph (a) is unlikely, direct that the regional growth strategy is to be settled under section 942.22.
- (3) The choice of non-binding resolution process is to be determined by agreement between the proposing board and the local government or governments that refused to accept the regional growth strategy but, if the minister considers that these parties will not be able to reach agreement, the minister must direct which process is to be used.
- (4) Any affected local government may participate in a non-binding resolution process under this section.
- (5) Unless otherwise agreed by these parties, the fees of any neutral person participating in the non-binding resolution process and the administrative costs of the process, other than the costs incurred by the parties participating in the process, are to be shared proportionally between the proposing board and the affected local governments that participate in the process on the basis of the converted value of land and improvements in their jurisdictions.
- (6) If changes to a regional growth strategy are proposed as a result of a resolution process under subsection (2)(a), the regional growth strategy must be submitted again to the affected local governments for acceptance in accordance with section 942.19.
- (7) If acceptance is not reached within 60 days after a non-binding resolution process under this section is concluded, the regional growth strategy must be settled under section 942.22 unless the proposing board and the affected local governments can reach an agreement on the provisions of the regional growth strategy before the settlement process is completed.

1995-9-7.

Settlement of regional growth strategy

942.22 (1) If acceptance by affected local governments cannot otherwise be reached under this Part, the regional growth strategy is to be settled by one of the following:

- (a) peer panel settlement in accordance with section 942.23 (1);
 - (b) final proposal arbitration in accordance with section 942.23 (2);
 - (c) full arbitration in accordance with section 942.23 (3).
- (2) If more than one affected local government has refused to accept a regional growth strategy, whether the refusals are in relation to the same or different issues, the regional growth strategy is to be settled for all affected local governments in the same settlement proceedings.
- (3) The choice of process for settlement is to be determined by agreement between the proposing board and the local government or governments that refused to accept the regional growth strategy but, if the minister considers that these parties will not be able to reach agreement, the minister must direct which process is to be used.
- (4) Any affected local government may participate in a settlement process under section 942.23.
- (5) During the 60 days after the provisions of a regional growth strategy are settled under section 942.23, the proposing board and the affected local governments may agree on the acceptance of a regional growth strategy that differs from the one settled.

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(6) At the end of the period under subsection (5), unless agreement is reached as referred to in that subsection, the provisions of a regional growth strategy as settled under section 942.23 become binding on the proposing board and all affected local governments, whether or not they participated in the settlement process.

1995-9-7.

Options for settlement process

942.23 (1) As one option, the provisions of a regional growth strategy may be settled by a peer panel as follows:

- (a) the panel is to be composed of 3 persons selected from the applicable list under section 942.24 (1);
- (b) the selection of the panel is to be done by agreement between the proposing board and the local government or governments that refused to accept the regional growth strategy or, if the minister considers that these parties will not be able to reach agreement, by the minister;
- (c) subject to the regulations, the panel may conduct the proceedings in the manner it determines;
- (d) the panel must settle the disputed issues of the regional growth strategy and may make any changes to the provisions of the regional growth strategy that it considers necessary to resolve those issues;
- (e) the panel must give written reasons for its decision if this is requested by the proposing board or an affected local government before the panel retires to make its decision.

(2) As a second option, the provisions of a regional growth strategy may be settled by final proposal arbitration by a single arbitrator as follows:

- (a) the arbitrator is to be selected from the applicable list under section 942.24 (1);
- (b) the selection of the arbitrator is to be done by agreement between the proposing board and the local government or governments that refused to accept the regional growth strategy or, if the minister considers that these parties will not be able to reach agreement, by the minister;
- (c) subject to the regulations, the arbitrator must conduct the proceedings on the basis of a review of written documents and written submissions only, and must determine each disputed issue by selecting one of the final written proposals for resolving that issue submitted by one of the participating parties;
- (d) the provisions of the regional growth strategy will be as settled by the arbitrator after incorporation of the final proposals selected by the arbitrator under paragraph (c);
- (e) no written reasons are to be provided by the arbitrator.

(3) As a third option, the provisions of a regional growth strategy may be settled by full arbitration by a single arbitrator as follows:

- (a) the arbitrator is to be selected from the applicable list under section 942.24 (1);
- (b) the selection of the arbitrator is to be done by agreement between the proposing board and the local government or governments that refused to accept the regional growth strategy or, if the minister considers that these parties will not be able to reach agreement, by the minister;
- (c) subject to the regulations, the arbitrator may conduct the proceedings in the manner he or she determines;
- (d) the provisions of the regional growth strategy will be as settled by the arbitrator, who is not restricted in his or her decision to submissions made by the parties on the disputed issues;
- (e) the arbitrator must give written reasons for the decision.

1995-9-7.

General provisions regarding settlement process

942.24 (1) Lists of persons who may act on a panel under section 942.23 (1), as an arbitrator under section 942.23 (2) or as an arbitrator under section 942.23 (3) are to be prepared by the minister in consultation with representatives of the Union of British Columbia Municipalities.

(2) Persons who may be included on a list for a panel under section 942.23 (1) are persons who are or have been elected officials of a local government or who, in the opinion of the minister, have appropriate experience in relation to local government matters.

(3) In the case of a specific regional growth strategy, a person may not be appointed to a panel or as an arbitrator if the person is, or was at any time since the regional growth strategy was initiated, an elected official of the proposing board or an affected local government for the regional growth strategy.

(4) Subject to a direction by the panel or arbitrator or an agreement between the parties, the fees and reasonable and necessary expenses of the members of a peer panel or arbitrator and the administrative costs of the process, other than the costs incurred by the parties participating in the process, are to be shared proportionally between the proposing board and the affected local governments that participate in the process on the basis of the converted value of land and improvements in their jurisdictions.

(5) The directors of the electoral areas to which the regional growth strategy is proposed to apply and the Provincial government may make representations in the settlement process, subject to any conditions set by the panel or arbitrator.

(6) The time limit for bringing any judicial review of a decision of a panel or arbitrator under section 942.23 is the end of the period for agreement under section 942.22 (5).

(7) The minister may make regulations regarding settlement processes under section 942.23, which may be different for different settlement processes, including regulations respecting the authority of a panel or arbitrator in settling a regional growth strategy and requiring the cooperation of local governments in relation to the settlement processes.

1995-9-7.

Adoption of regional growth strategy

942.25 (1) A regional growth strategy must be adopted by bylaw.

(2) As soon as practicable after adopting a regional growth strategy, the board must send a copy of the regional growth strategy to the affected local governments, to any greater boards and improvement districts within the regional district and to the minister.

1995-9-7.

Requirement to adopt finalized regional growth strategy

942.26 (1) If a proposed regional growth strategy has been accepted by the affected local governments or has become binding under section 942.22 (6), but has not been adopted by the proposing board, on the recommendation of the minister, the Lieutenant Governor in Council may, by order, specify a time by which the board must adopt the regional growth strategy.

(2) If the board does not adopt the regional growth strategy within the period specified under subsection (1), the Lieutenant Governor in Council may, by order, deem the regional growth strategy to have been adopted by the board, in which case it applies as if it had been adopted by a valid bylaw of the board.

1995-9-7.

Division (3) – Effect of Regional Growth Strategy

Regional district must conform with regional growth strategy

942.27 (1) All bylaws adopted by a regional district board after the board has adopted a regional growth strategy, and all works and services undertaken by a regional district after the board has adopted a regional growth strategy, must be consistent with the regional growth strategy.

(2) All bylaws adopted by a greater board or an improvement district board after the adoption of a regional growth strategy applicable to its jurisdiction, and all works and services provided by a greater board or an improvement district board after the adoption of a regional growth strategy applicable to its jurisdiction, must be consistent with the regional growth strategy.

(3) A regional growth strategy does not commit or authorize a regional district, municipality, greater board or improvement district to proceed with any project that is specified in the regional growth strategy.

1995-9-7.

Requirement for regional context statements in municipal official community plans

942.28 (1) If a regional growth strategy applies to all or part of the same area of a municipality as an official community plan, the official community plan must include a regional context statement that is accepted in accordance with this section by the board of the regional district for which the regional growth strategy is adopted.

- (2) A regional context statement under subsection (1) must specifically identify
- (a) the relationship between the official community plan and the matters referred to in section 942.12 (2) and any other regional matters included under section 942.12 (3), and
 - (b) if applicable, how the official community plan is to be made consistent with the regional growth strategy over time.
- (3) A regional context statement under subsection (1) and the rest of the official community plan must be consistent
- (4) The council must
- (a) submit a proposed regional context statement required under this section for acceptance by the board,
 - (b) submit any amendments to the regional context statement for acceptance by the board, and
 - (c) review the regional context statement at least once every 5 years after its latest acceptance by the board and, if no amendment is proposed, submit the statement to the board for its continued acceptance.
- (5) For the purpose of subsection (4), the board must respond by resolution within 120 days of receipt indicating whether or not it accepts the regional context statement or amendment and, if the board refuses to accept the regional context statement or amendment, indicating
- (a) each provision to which it objects, and
 - (b) the reasons for its objection.
- (6) If the board fails to act under subsection (5) within the period for acceptance or refusal under that subsection, the board is deemed to have accepted the regional context statement or amendment.
- (7) Sections 942.21 to 942.24 and 942.26 apply regarding the acceptance and adoption of a regional context statement.
- (8) After a regional growth strategy is adopted, the requirement under subsection (1) must be fulfilled by the applicable council submitting a proposed regional context statement to the board within 2 years after the regional growth strategy is adopted.

1995-9-7.

Division (4) – General

Intergovernmental advisory committees

- 942.29** (1) A board may establish an intergovernmental advisory committee for its regional district and must establish an intergovernmental advisory committee for its regional district when a regional growth strategy is initiated.
- (2) The role of an intergovernmental advisory committee is
- (a) to advise the applicable local governments on the development and implementation of the regional growth strategy, and
 - (b) to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the development and implementation of the regional growth strategy.
- (3) The membership of an intergovernmental advisory committee is to include the following:
- (a) the planning director of the regional district, or another official appointed by the board;
 - (b) the planning director, or another official appointed by the applicable council, of each municipality all or part of which is covered by the regional growth strategy;
 - (c) senior representatives of the Provincial government and Provincial government agencies and corporations, determined by the minister after consultation with the board;
 - (d) representatives of other authorities and organizations if invited to participate by the board.

1995-9-7.

Implementation agreements

- 942.3** (1) A local government may enter into agreements respecting the coordination of activities relating to the implementation of a regional growth strategy.
- (2) For the purposes of this section, the Provincial government may enter into agreements under subsection (1) respecting Provincial commitments to act consistently with a regional growth strategy and to take actions necessary to implement a regional growth strategy.

(3) In addition to agreements with the Provincial government and its agencies, agreements under subsection (1) may be made with the federal government and its agencies, other local governments, first nations, school district boards, greater boards, improvement district boards and other local authorities.

1995-9-7.

**Regular reports and review
of regional growth strategy**



- 942.31 (1) A regional district that has adopted a regional growth strategy must
- (a) establish a program to monitor its implementation and the progress made towards its objectives and actions, and
 - (b) prepare an annual report on that implementation and progress.
- (2) At least once every 5 years, a regional district that has adopted a regional growth strategy must consider whether the regional growth strategy must be reviewed for possible amendment.
- (3) For the purposes of subsection (2), the regional district must provide an opportunity for input on the need for review from the persons, organizations and authorities referred to in section 942.17 (2).

1995-9-7.

Provincial policy guidelines



- 942.32 (1) The minister may establish policy guidelines regarding the process of developing and adopting regional growth strategies and official community plans.
- (2) The minister, or the minister together with other ministers, may establish policy guidelines regarding the content of regional growth strategies and official community plans.
- (3) Guidelines under subsection (1) or (2) may only be established after consultation by the minister with representatives of the Union of British Columbia Municipalities.

1995-9-7.

**Minister may require official community
plans and land use bylaws**



- 942.33 After a regional growth strategy has been adopted, the minister may require a municipality or regional district to adopt, within a time specified by the minister, an official community plan, a rural land use bylaw, a zoning bylaw or a subdivision servicing bylaw for an area that is covered by the regional growth strategy and to which no such plan or bylaw currently applies.

1995-9-7.