TO: Regional Board

DATE: October 30, 2012

SUBJECT: Repeal - RDCO Handi-Dart Transit Local Service Area Establishment Bylaw No. 419

Prepared by: Mary Jane Drouin, Corporate Services Coordinator

RECOMMENDATION #1:

WHEREAS Westbank First Nation by way of their letter of July 30, 2012 confirmed that they wish to establish their own Operating Agreements with BC Transit effective April 1, 2012;

THEREFORE, the Regional Board agrees to the request of Westbank First Nation and directs staff to forward a bylaw to repeal the RDCO Handi-Dart Transit Local Service Area Establishment Bylaw No. 419.

RECOMMENDATION #2

THAT RDCO Handi-Dart Transit Local Service Area Establishment Amendment Bylaw No. 1313 be given first, second and third readings this 8th day of November 2012

Purpose:
To repeal RDCO Handi-Dart Transit Local Service Area Establishment Bylaw No. 419 (as amended).

Implications of Recommendation:

General: The Regional District of Central Okanagan will no longer be responsible for the Annual Operating Agreement for Handi-Dart within the boundary of Westbank First Nation lands. Westbank First Nation will assume their Handi-Dart agreement with BC Transit.

Financial: BC Transit is in the process of calculating the revised costs per partner and will assist in the transition. Director of Finance and Administrative Services, M. Rilkoff, will continue to work with BC Transit and Westbank First Nation in the transition of the service.

Statutory Authority: Per Local Government Act Part 24, Section 802, Amendment or Repeal of Establishing Bylaws.
**Background:**

Westbank First Nation (WFN) in its letter of July 30, 2012 expressed their desire to establish an Annual Operating Agreement (AOA) for Handi-Dart services directly with BC Transit.

BC Transit in its letter of September 13, 2012 supports the request to establish an Annual Operating Agreement (AOA) directly with Westbank First Nation. Under RDCO Handi-Dart Transit Local Service Establishment Bylaw No. 419, WFN service is considered to be within the boundary of the Central Okanagan West Electoral Area therefore the electoral area director is required to consent to the bylaw amendment.

BC Transit is in the process of calculating the revised costs and will assist in the transition. BC Transit's Annual Operating Agreements begin April 1st of each year—the current contract is in place until that time.

Of note, as there are no remaining partners in the Handi-Dart Transit service when this establishment bylaw is to be repealed.

**Alternatives:**
None recommended by staff.

**Conclusion:**
That the Regional Board approve moving forward to repeal RDCO Handi-Dart Transit Local Service Area Establishment Bylaw No. 419.

This is for your consideration.

Submitted by:

M. Drouin
Corporate Services Coordinator

Attachments:
- RDCO Handi-Dart Transit Local Service Area Establishment Amendment Bylaw
- Letters from Westbank First Nation and BC Transit

**Considerations not applicable to this report:**
Policy
Strategic Plan

Approved for Board’s Consideration

Paul Macklem, CAO
REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1313

Being a bylaw to repeal the Regional District of Central Okanagan Handi-Dart Transit Local Service Area Establishment Bylaw No. 419, 1990.

WHEREAS the Regional District of Central Okanagan has adopted the "Regional District of Central Okanagan Handi-Dart Transit Local Service Area Establishment Bylaw No. 419, 1990 and Regional District of Central Okanagan Handi-Dart Transit Local Service Area Establishment Amendment Bylaw No. 965, 2002 and 1263, 2009";

AND WHEREAS the Westbank First Nation (as part of Central Okanagan West Electoral Area) has expressed a desire to assume responsibility for Handi-Dart Transit Services within their boundaries and the Regional Board has agreed to this;

AND WHEREAS Director of Central Okanagan West Electoral Area has consented in writing to the adoption of this Bylaw;

NOW THEREFORE the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:

1. That Regional District of Central Okanagan Handi-Dart Transit Local Service Area Establishment Bylaw No. 419, 1990 be repealed;

2. This Bylaw may be cited as Regional District of Central Okanagan Handi-Dart Transit Local Service Area Establishment Amendment Bylaw No. 1313, 2012.

READ A FIRST TIME THIS 8th DAY OF November, 2012.
READ A SECOND TIME THIS 8th DAY OF November, 2012.
READ A THIRD TIME THIS 8th DAY OF November, 2012.
Approved by the Inspector of Municipalities this day of 2012.

RECONSIDERED AND ADOPTED THIS DAY OF 2012.

CHAIRPERSON DIRECTOR OF CORPORATE SERVICES
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I hereby certify the foregoing to be a true and correct copy of “Regional District of Central Handi-Dart Transit Local Service Area Establishment Amendment Bylaw No. 1313, 2012” as read a third time by the Regional Board on the 9th day of November 2012.

Dated at Kelowna, B.C. this 9th day of November, 2012.

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of “Regional District of Central Urban Transit Local Service Area Establishment Amendment Bylaw No. 1313, 2012” as adopted by the Regional Board on the day of 2012.

Dated at Kelowna, B.C. this day of , 2012

DIRECTOR OF CORPORATE SERVICES
I, the undersigned Director of Central Okanagan West Electoral of the Regional District of Central Okanagan, hereby consent to the “Regional District of Central Handi-Dart Transit Local Service Area Establishment Amendment Bylaw No. 1313, 2012”.

Jim Edgson
Central Okanagan West Electoral Area

Dated at Kelowna, B.C.
this 8th day of November 2012

Paul Macklem
Chief Administrative Officer
July 30, 2012

Regional District of Central Okanagan
1450 KLO Road
Kelowna, BC
V1W 3Z4
Attn: Marilyn Rilkoff
Attn: CORD Board of Directors
Cc: WFN Chief and Council

RE: **Withdrawal of WFN from Local Services Agreement Schedules D and E, (Handi-Dart Transit and Westside Transit)**

This will confirm to the Regional District of Central Okanagan that effective April 1, 2012, Westbank First Nation has contracted directly with BC Transit for the provision of transit services previously provided through the Local Services Agreement with the Regional District under Schedules D and E.

Effective April 1, 2012, Westbank First Nation will remit payment for this service directly to BC Transit. WFN hereby request that the Regional District adjust their budget allocation under the service agreement to accommodate this change; specifically charge WFN for January, February and March transit service in the allocation, and remove transit charges from April 1 onward.

Thank you for your attention to this matter. Please contact me if you have any further questions or concerns.

Yours truly

Patrick Fosbery,
Director of Operations,
Westbank First Nation
Dear Ms. Rilkoff,

The Westbank First Nation (WFN) approached BC Transit with a request for more direct involvement in transit in October 2011. BC Transit is in support of the request and would like to establish a Westbank First Nation MOA/AOA as part of the Kelowna Regional Transit System effective April 1, 2012.

The assignment of local government responsibilities and allocation of costs, currently assigned to the Regional District of Central Okanagan, need to be resolved as well. There may be internal documents which will need to be amended for both the WFN and the Regional District. BC Transit will assist in the transition of local responsibilities if requested.

The establishment of this new AOA does not preclude continued discussions with Okanagan municipalities and the Regional District on new service delivery models for transit. Should you have any questions please do not hesitate to contact me.

Steve Harvard
Senior Regional Transit Manager, Southern Interior