Regional Board Report

TO: Regional Board

DATE: October 15, 2012

SUBJECT: Repeat - RDCO Urban Transit Local Service Area Establishment Bylaw No. 376

Prepared by: Mary Jane Drouin, Corporate Services Coordinator

RECOMMENDATION #1:

WHEREAS The Corporation of the District of Peachland by way of their letter to the Regional District dated September 25, 2012 confirmed that they wish to establish their own Operating Agreement with BC Transit effective April 1, 2013;

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

THEREFORE, the Regional Board agrees to the request of The Corporation of District of Peachland and Westbank First Nation and directs staff to forward a bylaw to repeal the Urban Transit Local Service Area Establishment Bylaw No. 376.

RECOMMENDATION #2

THAT RDCO Urban Transit Local Service Area Establishment Amendment Bylaw be given first, second and third readings this 22\textsuperscript{nd} day of October 2012

Purpose:
To repeal RDCO Urban Transit Local Service Area Establishment Bylaw No. 376 (as amended).

Implications of Recommendation:

General: The Regional District of Central Okanagan will no longer be responsible for Annual Operating Agreements within the boundary of the District of Peachland or Westbank First Nation lands. Each local government will assume their own agreements 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, the District of Peachland 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:


BC Transit in its letters of September 13, 2012 supports the request to establish an Annual Operating Agreement (AOA) directly with the District of Peachland and Westbank First Nation. Under Bylaw No. 376 WFN IR#9 and IR#10 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 per partner and will assist in the transition and noted that the establishment of a new AOA does not preclude continued discussions with Okanagan municipalities on new service delivery models for transit. BC Transit's Annual Operating Agreements begin April 1st of each year--the current contract is in place until that time.

For background, in 2009 the District of West Kelowna also established their own Operating Agreement directly with BC Transit and was thereby removed from the RDCO Urban Transit Local Service Area Establishment Bylaw No. 376.

Of note, as there are no remaining partners in the urban transit service the establishment bylaw is to be repealed. The Regional District will no longer be involved in the operation of urban transit service in any area of the Central Okanagan.

Alternatives:
None recommended by staff.

Conclusion:
That the Regional Board approve moving forward to repeal RDCO Urban Transit Local Service Area Establishment Bylaw No. 376.

This is for your consideration.

Submitted by:
M. Drouin
Corporate Services Coordinator

Attachments:
• RDCO Urban Transit Local Service Area Establishment Amendment Bylaw
• Letters from The Corporation of the District of Peachland, 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. 13XX

Being a bylaw to repeal the Regional District of Central Okanagan Urban Transit Local Service Area Establishment Bylaw No. 376, 1990

WHEREAS the Regional District of Central Okanagan has adopted the "Regional District of Central Okanagan Urban Transit Local Service Area Establishment Bylaw No. 376, 1990," and as amended by Bylaw No. 722, Bylaw No. 765, Bylaw No. 935, Bylaw No. 966, and Bylaw No. 1264;

AND WHEREAS the District of Peachland has expressed a desire to assume full responsibility for Urban Transit Services within their boundaries and the Regional Board has agreed to this;

AND WHEREAS the Westbank First Nation has expressed a desire to assume full responsibility for Urban Transit Services within their boundaries and the Regional Board has agreed to this;

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

NOW THEREFORE, as there are no other participants in the establishment bylaw, the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:

1. That Regional District of Central Okanagan Urban Transit Local Service Area Establishment Bylaw No. 376, 1990 be repealed;

2. This Bylaw may be cited as Regional District of Central Okanagan Urban Transit Local Service Area Establishment Amendment Bylaw No. 13XX, 2012.

READ A FIRST TIME THIS DAY OF 2012.
READ A SECOND TIME THIS DAY OF 2012.
READ A THIRD TIME THIS DAY OF 2012.

Approved by the Inspector of Municipalities this day of 2012.

RECONSIDERED AND ADOPTED THIS DAY OF 2012.

CHAIRPERSON

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. 13XX, 2012" as read a third time by the Regional Board on the ___ day of ______.

Dated at Kelowna, B.C. this day of ________ 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. 13XX, 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
REGIONAL DISTRICT OF CENTRAL OKANAGAN

CONSENT

I, the undersigned Director of Central Okanagan West Electoral of the Regional District of Central Okanagan, hereby consent to the "Regional District of Central Urban Transit Local Service Area Establishment Amendment Bylaw No. 13XX, 2012".

__________________________
Jim Edgson
Central Okanagan West Electoral Area

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

__________________________
Paul Macklem
Chief Administrative Officer
September 25, 2012

Mary Jane Drouin, Corporate Services Coordinator
Regional District Central Okanagan
1450 KLO Road
Kelowna, BC V1W 3Z4

Dear Mary Jane:

Re: Transit Servicing Agreement

At its meeting of September 18, 2012, the Council of the Corporation of the District of Peachland passed the following resolution:

WHEREAS the Corporation of the District of Peachland Council has agreed to manage its own transit servicing agreement directly with BC Transit effective March 31, 2013;

THEREFORE pursuant to Section 801.4 of the Local Government Act, the Council of the Corporation of the District of Peachland consents on behalf of its electors to the Regional District of Central Okanagan amending RDCO Urban Transit Local Service Establishment Bylaw No. 376 thereby removing Peachland as a participant in the transit service establishment bylaw.

RC-09/18/12-07

I trust this is the information you require to amend your bylaw. Please do not hesitate to contact Polly Palmer at (250) 767-2647 (ext. 105) if you require further information.

Sincerely,

Marjorie Whalen
Executive Assistant
Regional District of Central Okanagan
Attn: Paul Macklem, Interim CAO
1450 KLO Road
Kelowna, BC, V1W 3Z4

June 4, 2012

Dear Paul Macklem:

Re: BC Transit Service Agreements

The District of Peachland is moving towards managing the BC Transit servicing agreements (BC Transit Service Agreement, Master Operating Agreement and Annual Operating Agreement) directly with BC Transit, effective March 31, 2013. Please accept this as a formal request for the RDCO to designate the District of Peachland as the provider for these agreements.

Additionally, we would like to request that if there is any residual funding remaining with the Regional District for transit services after the agreement has been transferred, that they be returned to the District of Peachland.

Your cooperation in this project is appreciated, and please let me know if there is anything Peachland Staff can do to help assist with this request.

Sincerely,

Keith Fielding
Mayor, District of Peachland

CC. Peachland Council
Elsie Lemke, CAO
Steve Harvard, Senior Regional Transit Manager, Southern Interior BC Transit
July 30, 2012

Regional District of Central Okanagan
1450 KLO Road
Kelowna, BC
V1W 3Z4

Attn: Marilyn Rikoff
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
Marilyn Rilkoff  
Director of Finance & Administration  
Regional District of Central Okanagan  
1450 KLO Road  
Kelowna BC  
V1W 3Z4  

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
Linking Communities, Businesses & Lifestyles

Marilyn Rilkoff  
Director of Finance & Administration  
Regional District of Central Okanagan  
1450 KLO Road  
Kelowna BC  
V1W 3Z4  

September 13, 2012

Dear Ms. Rilkoff,

The District of Peachland has approached BC Transit and the Regional District with a request for more direct involvement in transit. At its May 8, 2012 council meeting the District of Peachland passed a resolution to formally request that the Regional District transfer responsibilities for transit to Peachland.

BC Transit is in support of the request and would like to establish a Peachland MOA/OOA as part of the Kelowna Regional Transit System effective April 1, 2013.

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 District 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