

TERMS OF REFERENCE

Study Purpose: The primary purpose of the Cultus Lake Park Governance Study is to understand what a decision to join the City of Chilliwack would mean for Cultus Lake Park residents in terms of local service cost, service governance and service delivery.

Background: At present, Cultus Lake Park is governed (primarily) by the Cultus Lake Park Board under the authority of the *Cultus Lake Park Act*. For several years, the Cultus Lake Park Board, the City of Chilliwack and the Province were engaged in discussions related to the future governance of the Park. Studies that emerged from these discussions did not result in any changes to the existing system of local governance.

In the Spring of 2008, the parties began a new round of discussions on local governance for the Park. Based on these new discussions, the parties agreed to undertake a new Governance Study focused solely on a comparison of two options:

- a Join Chilliwack option, under which the City of Chilliwack would extend its boundary to include Cultus Lake Park
- a Status Quo option, under which the existing system of local governance for the Park would remain in place

Study Objectives: The Governance Study has the following objectives:

- To determine the service cost, service governance and service delivery implications for Cultus Lake Park residents of a decision to extend the City of Chilliwack's boundary to include Cultus Lake Park (i.e., the Join Chilliwack option), and of a decision to remain separate from Chilliwack under the Cultus Lake Park Board (i.e., the Status Quo option).
- To understand the implications of a boundary extension for the City of Chilliwack, Fraser Valley Regional District and Soowahlie First Nation.
- To communicate all Study findings to Cultus Lake Park residents so that, in the event of a referendum, they are able to make an informed choice between the governance options.

- To facilitate and support the participation of the Soowahlie First Nation in the Governance Study, and to address any concerns the Soowahlie may have with a decision to extend the City of Chilliwack's boundary to include Cultus Lake Park.

Committee Role & Responsibilities: The Cultus Lake Park Governance Committee was formed to undertake the Cultus Lake Governance Study. In this capacity, the Committee has the following responsibilities:

- *Impact Analysis* — The Committee is responsible for conducting an impact analysis to understand what a decision to extend the City of Chilliwack's boundary to include Cultus Lake Park would mean for Cultus Lake Park residents in terms of local service cost, service governance and service delivery. Understanding the expected impacts on Cultus Lake Park residents, specifically, is the Committee's primary focus. Expected impacts on City residents, ratepayers of affected FVRD services, and the Soowahlie First Nation need to be understood as well.
- *Public Information Program* — The Committee is responsible for undertaking a public information program to communicate the findings of the impact analysis to Cultus Lake Park residents, and to keep residents and other interested parties apprised of progress as the study proceeds.
- *Recommendation to the Minister* — The Committee is expected to make a recommendation to the Minister of Community Development on whether or not to proceed to referendum on the question of incorporating Cultus Lake Park into the City of Chilliwack. The Committee's recommendation is to be based on the results of the impact analysis, and on feedback received through the public information program.

It should be clarified that the Committee is not being asked to recommend a particular governance option for Cultus Lake Park. The Committee is being asked, instead, to recommend whether or not a referendum should be held to choose between the Join Chilliwack and Status Quo options. In making its recommendation, the Committee must consider the viability of the two options (as indicated by the impact analysis), and the level of public interest in the two options (as gauged through the public information program).

Any change in governance from the current situation would require a referendum. A recommendation against holding a referendum, therefore, would indicate the Committee's belief that the Join Chilliwack option is not viable, and the Committee's view that Cultus Lake residents are not interested in considering a change in governance at this time.

The Governance Committee is neutral with respect to the governance options. The Committee works to ensure that the analysis of the options, and the communication of the Study's findings, are performed in an objective and unbiased manner.

Membership: The local government jurisdictions, First Nations and citizens associations that have a connection to Cultus Lake Park, and an expressed interest in the future governance of the Park, are represented on the Cultus Lake Park Governance Committee. The Committee's membership of ten (10) is comprised as follows:

- City of Chilliwack (3)
- Cultus Lake Park Board (3)
- Soowahlie First Nation (3)
- Cultus Lake Community Association (1)

Each of the bodies represented on the Committee is responsible for appointing its own members, as well as alternates to take the place of members during periods of absence. To provide for continuity, it is hoped that the appointing bodies will appoint their members to the Committee for the duration of the Study. In every case, however, the term of appointment is the prerogative of the appointing body.

All members of the Committee serve without remuneration.

The FVRD is not directly represented on the Governance Committee. Efforts will be made, however, to keep the FVRD Board and Administration apprised of the Committee's progress and findings, particularly where those findings concern Regional District services.

Finally, the Director of Local Government Structure, from the Ministry of Community Development, is considered an ex-officio member of the Governance Committee.

Chair & Vice Chair: One member of the Committee is selected by the Committee to serve as Committee Chair. Another member is selected to serve as Committee Vice Chair. The Chair is:

- responsible for chairing the Committee's meetings
- responsible for approving the meeting agendas
- the principal spokesperson for the Committee in responding to inquiries from media outlets and others
- the point of contact between the Committee and its consultants, and between the Committee and the Ministry of Community Development

The Chair has no executive powers or delegated authority to make decisions on behalf of the Committee. The Vice Chair serves as the Chair and assumes all of the Chair's responsibilities whenever the Chair is absent.

Consultants & Staff:

A provincial government grant has been used to retain local government consultants to assist the Committee in undertaking its impact analysis and public information program. The local government consultants report to the Committee. Outside of Committee meetings, contact between the Committee and its consultants is through the Chair.

A combination of provincial government and City of Chilliwack funds have been used to retain a First Nations consultant to facilitate and support Soowahlie First Nation participation in the Governance Study. The First Nations consultant deals directly with the Soowahlie First Nation and the City of Chilliwack; this consultant does not report to the Committee, but does attend Committee meetings.

The chief administrative officers from the City of Chilliwack, Cultus Lake Park Board, Fraser Valley Regional District and Soowahlie First Nation provide information to the consultants, as required. The chief administrative officers also make themselves available to review draft materials produced by the consultants, and to provide comments to the consultants.

Meeting Procedures:

As a matter of principle, the Governance Committee conducts its business in an open and fair manner. As required, the Governance Committee may establish policies and/or procedures related to:

- the scheduling and notification of regular meetings
- agenda preparation, amendment and adoption
- minute recording and adoption
- participation by Committee members in discussions
- participation by others (e.g., ex-officio members, non-members) in discussions
- declarations of conflict of interest
- general conduct

In exceptional circumstances the Governance Committee may find it necessary to establish policies to deal with:

- the holding of *in camera* meetings
- the release of confidential information

Any disagreements related to procedures are decided by the Chair. The Governance Committee recognizes that the approach to decision-making

used by the Soowahlie First Nation encourages the direct participation of the broader Soowahlie community, and respects the views both of Soowahlie Elders and youth. The Committee appreciates the importance of this approach to the Soowahlie First Nation, and seeks ways to incorporate aspects of it into the Committee's own procedures. To that end, the Committee in its meetings welcomes the contributions of Soowahlie Elders and youth representatives on points being discussed by the Committee, and on any other points that they wish to raise, either through their representatives on the Committee or directly, by invitation of those representatives.

**Voting
Procedures:**

The Governance Study and the broader community are best served when decisions taken by the Committee reflect the consensus view of the different parties represented at the table. In an effort to build consensus, Committee members consider carefully all perspectives that are put forward, and collectively seek solutions and courses of action that accommodate a variety of interests.

A commitment to building consensus, while important, does not replace the need for voting on Committee resolutions. On all matters, *except for the recommendation to the Minister*, voting at the Committee follows the voting rules that govern most municipal committees. These rules are as follows:

- each Committee member who is present must vote on every resolution — a member who does not indicate how he or she votes is deemed to have voted in the affirmative
- each Committee member, including the Chair and Vice Chair, receives one vote on every resolution
- a simple majority of members present decides every vote
- a tie vote defeats a motion

On the specific matter of the Committee's recommendation to the Minister, unanimity is required — that is, all ten members of the Committee must endorse a resolution dealing with the recommendation in order for the resolution to have effect. Each of the parties represented on the Committee has a legitimate interest in the future of Cultus Lake Park and its governance. Each party must feel comfortable with the findings of the Study before the Committee can proceed to advise the Minister. Anything less than unanimity would risk dividing the broader community, which would be an unacceptable outcome.

Quorum:

A majority of Committee members (i.e., six) constitutes a quorum. Designated alternates are counted as members for the purposes of establishing a quorum when they are present in place of a member.