

CORPORATION OF THE TOWNSHIP OF ESQUIMALT	
For Information:	
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council
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**Meghan Wylie**

**From:** Laurie Hurst  
**Sent:** April-05-17 09:00  
**To:** Meghan Wylie  
**Subject:** FW: Regional Growth Strategy Mediation Process  
**Attachments:** 2017-04-03 Minister Fassbender -- Direction for Non-Binding.pdf

RECEIVED: APR 05 2017

Referred:		
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For login and processing, thanks.

**Laurie Hurst, CPA, CGA**  
 Chief Administrative Officer  
 Corporate Services  
 Township of Esquimalt  
 Phone: 1-250-414-7133  
[www.esquimalt.ca](http://www.esquimalt.ca)

**From:** Robert Lapham [<mailto:rlapham@crd.bc.ca>]

**Sent:** April-04-17 4:04 PM

**To:** Alice Finall; CRD Chair; Ben Isitt ([bisitt@victoria.ca](mailto:bisitt@victoria.ca)); Carol Hamilton ([mayor@colwood.ca](mailto:mayor@colwood.ca)); Colin Plant; Dave Howe; David Screech; Denise Blackwell; Geoff Young; Judy Brownoff; John R. Ranns; Ken Williams; ; Lisa Helps ([mayor@victoria.ca](mailto:mayor@victoria.ca)); Maja Tait; directorjdf; Nils Jensen; Richard Atwell; Ryan Windsor; Steve Price; Steve Price; Susan Brice; directorssi; Marianne Alto; Leif Wergeland; Rick Kasper; Fred Haynes

**Cc:** Signe Bagh; Kevin Lorette; Brent Reems; Jennifer Grelson; Helen Koning; Ian Howat; Jason Johnson; Jim Bowden; Kim Anema; Laurie Hurst; Lisa Urlacher; Patrick Robins; Randy Humble; Teresa Sullivan; Rob Buchan; LHilton@highlands.ca; Paul Thorkelsson

**Subject:** Regional Growth Strategy Mediation Process

Dear CRD Board Directors,

We received a letter from Minister Fassbender (see attached) yesterday in which the Minister has agreed to a non-binding RGS dispute resolution process, as requested by the Board.

Minister Fassbender has directed that the process commence no later than June 14, 2017. No end date is specified.

The CRD Board and each rejecting Council, will now, as per legislative requirements, need to agree to a mediator and a process. This must happen by June 14, 2017. In the absence of agreement by then, the Minister will direct a mediator/process.

To advance the process, CRD staff will work closely with municipal partners of rejecting municipalities (Central Saanich, Colwood, Esquimalt, Highlands, North Saanich, Saanich, View Royal) to issue a request for proposals for mediation services. Staff will bring forward a report to the Board with recommendations once proposals have been received/reviewed. Municipal staff will bring forward recommendations to their Councils.

Accepting municipalities (Langford, Oak Bay, Metchosin, Sidney, Sooke, Victoria) will, as affected local governments, have the option of participating in the dispute resolution process agreed to by the Board/rejecting parties. Those wishing to participate, share in the costs of dispute resolution.

The aim of a non-binding dispute resolution process is to determine whether negotiations can result in content that can be agreed to by all parties. Agreement would be tested through a re-referral. Agreement by the CRD Board and all 13

Councils would allow for adoption of the RGS. In the absence of such agreement, the Minister will direct binding arbitration.

Minister Fassbender indicated in his letter that given that the JDF EA is not an affected local government, but part of the CRD, he was unable to make any formal requirements for the direct participation of the Director, however, he expected that the EA's interests and concerns would be brought forward by the CRD Board. I contacted Director Hicks and advised him the staff will consult with him to obtain his views on the mediator/process options and we will convey his views to the Board for consideration when the Board is asked to select a mediator/process.

If you or your staff have any specific questions on the process please contact Ms. Signe Bagh, Senior Manager Regional and Strategic Planning at [sbagh@crd.bc.ca](mailto:sbagh@crd.bc.ca).

Bob Lapham, CAO

**Robert (Bob) Lapham, MCIP, RPP**

Chief Administrative Officer

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**CRD EXECUTIVE OFFICE***Received***APR 03 2017**

March 28, 2017

Ref: 205291

Her Worship Mayor Barbara Desjardins, Chair  
Capital Regional District  
625 Fisgard St  
PO Box 1000  
Victoria BC V8W 2S6

<input checked="" type="checkbox"/> Chair	<i>Ky</i>	<input checked="" type="checkbox"/> Board
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<i>04/03/20 MCSCD</i>		

Dear Chair Desjardins:

Thank you for your letter of February 23, 2017, regarding the notification of refusal to accept Bylaw 4017 "Capital Regional District Regional Growth Strategy (RGS) Bylaw No. 1, 2016".

Based on this notification, section 439 (2) of the *Local Government Act* requires me to direct the Capital Regional District (CRD) and other affected local governments (the parties) to engage in a dispute resolution process. After careful consideration, I have selected and support your request for a non-binding dispute resolution process because it will provide the opportunity for all parties to resolve outstanding issues in a collaborative forum.

In accordance with section 439 (3) of the Act, I am specifying that the dispute resolution process begin no later than June 14, 2017. In the interest of a timely resolution, I request that the CRD keep the Ministry of Community, Sport and Cultural Development staff apprised of progress towards resolution.

In accordance with the legislation, the choice of a non-binding resolution process is to be confirmed by agreement between the CRD Board and the affected local governments that refused to accept the RGS. I am confident that the parties will work together in good faith to agree on the process and that this step will be completed expeditiously to begin by no later than June 14, 2017.

I have received the CRD Board's request that I include the Director of the Juan de Fuca Electoral Area in the discussion in a way that allows his participation, as equal as possible given the legislation. Please note that, per section 439 (5) of the Act, any affected local government may participate in a non-binding dispute resolution process. Given that the Juan de Fuca Electoral Area is not an affected local government but part of the CRD, I am unable to make any formal requirements for the direct participation of the Director. However, it is expected that the interests and concerns of the electoral areas would be brought forward by the CRD Board as part of the non-binding process. I would therefore advise the Director to work closely with the CRD Board and vice versa so that his views are taken into account during the non-binding process.

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As you are likely aware, per section 439 (6) of the Act, the costs of the dispute resolution process are to be shared between the participating parties, unless you can agree to an alternative cost sharing arrangement. Furthermore, to assist you in reaching agreement on the RGS amendment, I encourage you to consider engaging a neutral third party to facilitate discussions.

One of the underlying principles of the RGS legislation is that the process must conclude. This means that differences must be resolved. While local governments are provided every opportunity to negotiate collaborative solutions, the dispute resolution mechanisms in the legislation ensures that the process will ultimately reach a conclusion. Therefore, if acceptance of the RGS is not reached within 60 days following completion of the non-binding process, I will direct the matter to be settled in a binding dispute resolution process in accordance with section 439 (9) of the Act. I would like to emphasize that the parties may continue to negotiate and come to agreement on a solution at any time during the dispute resolution process.

Please ensure that the parties follow all the requirements set out in the Act and regulations. For reference, I would suggest that all participating parties review the relevant sections of the Act regarding dispute resolution. The Ministry's guide, "Regional Growth Strategies: An Explanatory Guide", may also be helpful:

[http://www.cscd.gov.bc.ca/lgd/intergov\\_relations/library/RGS\\_Explanatory\\_Guide\\_2005.pdf](http://www.cscd.gov.bc.ca/lgd/intergov_relations/library/RGS_Explanatory_Guide_2005.pdf).

Ministry staff are also available to provide you with advice on the next steps of the process as needed. Please contact Kris Nichols, Manager, Intergovernmental Relations and Planning Branch, by telephone at: 778 698-3450; or by email at: [Kris.Nichols@gov.bc.ca](mailto:Kris.Nichols@gov.bc.ca).

Thank you again for writing.

Sincerely,



Peter Fassbender  
Minister

Her Worship Mayor Barbara Desjardins, Chair

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pc:        His Worship Mayor Ryan Windsor, District of Central Saanich  
             Her Worship Mayor Carol Hamilton, City of Colwood  
             Township of Esquimalt  
             His Worship Mayor Ken Williams, District of Highlands  
             His Worship Mayor Stew Young, City of Langford  
             His Worship Mayor John Ranns, District of Metchosin  
             Her Worship Mayor Alice Finall, District of North Saanich  
             His Worship Mayor Nils Jensen, District of Oak Bay  
             His Worship Mayor Richard Atwell, District of Saanich  
             His Worship Mayor Steve Price, Town of Sidney  
             Her Worship Mayor Maja Tait, District of Sooke  
             Her Worship Mayor Lisa Helps, City of Victoria  
             His Worship Mayor David Screech, Town of View Royal  
             Jon Lefebure, Chair, Cowichan Valley Regional District  
             Robert Lapham, Chief Administrative Officer, Capital Regional District  
             Mike Hicks, Director, Juan de Fuca Electoral Area  
             Meggin Messenger, Executive Director, Intergovernmental Relations and Planning  
             Kris Nichols, Manager, Intergovernmental Relations and Planning