

April 20th, 2018

INTERJURISDICTIONAL ARRANGEMENT FOR THE FUTURE DEVELOPMENT AND MANAGEMENT OF THE OKANAGAN RAIL CORRIDOR



Table of Contents

1. Introduction	1
2. Vision Statement.....	2
2.1 Current Vision	3
2.2 Views of Elected Officials	3
2.3 Proposed Vision Statement.....	4
3. ORT Interjurisdictional Arrangements.....	5
3.1 Current and past interjurisdictional arrangements	5
3.2 Characteristics of current and past interjurisdictional arrangements to be retained	6
3.3 Aspects of the current arrangement requiring improvement	7
4. Anticipated Opportunities and Challenges Related to Future ORT Use and Development	8
4.1 Trail use issues	9
4.2 Facility development.....	9
4.3 Corridor acquisition	9
4.4 Involvement of external agencies	10
4.5 Responding to special interest groups and the general public.....	10
4.6 Responding to private sector initiatives and investment opportunities	11
4.7 Proposed use of the ORT right of way by owner jurisdictions	11
5. Matters Requiring Coordination in the Future.....	11
5.1 Overview of issues requiring coordination.....	12
5.2 Recommendations	18
6. Proposed Terms of Reference for the Post-IDT Interjurisdictional Arrangement	22
6.1 Considerations	22
6.2 Terms of Reference for Interjurisdictional Committee	24
6.3 Transition from IDT to new Staff Committee	24
6.4 Name of the Interjurisdictional Staff Committee	25
7.0 Conclusion.....	25

Appendix 1 - Terms of Reference for Okanagan Rail Trail Committee

1. Introduction

On June 1, 2015, the Regional District of North Okanagan (RDNO), the District of Lake Country, and the City of Kelowna (the “owner jurisdictions”) purchased 47 km of discontinued CN rail corridor within their respective boundaries. The Okanagan Indian Band (OKIB) is in the process of acquiring the 2.5 km section of the rail corridor that passes through Duck Lake I.R. No. 7, and is engaged in the Addition to Reserve (ATR) process to include the corridor within the reserve. Since acquiring the corridor, the owner jurisdictions have begun constructing the Okanagan Rail Trail (ORT) with funding raised through grants as well as the successful fundraising activities of the Okanagan Rail Trail Initiative (ORTI), a local nonprofit organization. The first phase of development is scheduled for completion in the fall of 2018, although portions of the completed sections will be opened to the public earlier in the year.

The successful acquisition of the rail corridor and construction of the first phase of the ORT came about due to two factors. First, the owner jurisdictions established a shared vision to create an asset that will have long term benefits for both local residents and visitors to the region. Second, the owner jurisdictions understood that the shared vision could only be achieved by working together and coordinating those matters that were vital to realizing the vision. To this end, they designed and established interjurisdictional arrangements that were unique and effective in enabling the jurisdictions to work together.

To date, the collaborative efforts of the owner jurisdictions have resulted in a number of important achievements:

- Acquisition of the corridor is generally complete, with funds generated by the RDNO, District of Lake Country and the City of Kelowna with assistance of the Province of B.C. The section of corridor through OKIB’s Duck Lake I.R. No. 7 will be secured by title transfer.
- Statutory right of way agreements have jointly been registered on acquired lands along the corridor, guaranteeing the right of public access and restricting trail use by motorized vehicles.
- Various legal agreements, such as crossing agreements and rights of first refusal have, and continue to be, negotiated with utility companies and adjacent land owners on acquired sections of the corridor.
- A successful partnership has been established with the Okanagan Rail Trail Initiative (ORTI). This has enabled funding of the first phase of development. Funds for future development of in-scope work not yet undertaken (e.g., section through OKIB’s Duck Lake I.R. No.7, erosion control, Kelowna trail north of the airport) will be held in trust until it is time to undertake the work.
- Plans and engineering design drawings for the initial phase of development have been completed for the entire rail trail corridor. Engaging a single design team has ensured consistency in design work along the entire ORT.
- Construction of the first phase of development is ongoing, with a number of ORT sections already completed and anticipated for use in 2018.

The opening of the ORT to public use in 2018, and ongoing development of the trail related facilities, signals a new phase of opportunity and challenge for the owner jurisdictions. This phase will include (1) the active use of the ORT by the public and by various user groups, (2) the development of additional public facilities and services such as wayfinding facilities, interpretive opportunities, parking facilities, and rest areas, (3) completion of the acquisition of the corridor, (4) the development of commercial services and supporting trail networks serving the users of the trail, and (5) operation and maintenance of the rail trail. The owners of the ORT believe that their ability to take advantage of new opportunities and to address anticipated challenges will require ongoing collaboration and coordination. This will require the owners to again design and implement an effective interjurisdictional arrangement, as the current arrangement expires when the initial phase of development is complete in 2018.

This report makes recommendations for the design of a future interjurisdictional arrangement that will enable the owner jurisdictions to continue working together and with external partners to achieve the shared vision for the ORT. The recommendations are based on information gathered at a workshop held in November 2017 with elected officials from the owner jurisdictions as well as from the City of Vernon and the District of Coldstream (stakeholder jurisdictions). At the workshop, elected officials reviewed the shared vision for the ORT, assisted in identifying the matters that may require coordination in the future, and provided suggestions for designing the next interjurisdictional arrangement.

In making recommendations for a new interjurisdictional arrangement, the following factors were considered:

- A re-affirmation and elaboration of the shared vision for the ORT.
- The guiding principles that have been adopted by the owner jurisdictions in developing the various interjurisdictional arrangements to date.
- Identification of the opportunities and challenges that may arise in the next phase of ORT development and use, and the issues that may require coordination in the future.

The report is structured as follows:

- Section 2 describes the shared vision for the ORT.
- Section 3 discusses the key attributes of the various interjurisdictional arrangements to date.
- Section 4 identifies the potential opportunities and challenges that may occur in the next phase of ORT development and use.
- Section 5 identifies the matters that may require coordination among the owner and stakeholder jurisdictions in the next phase of ORT development and use.
- Section 6 identifies the key features to be incorporated into the new interjurisdictional arrangement and presents draft terms of reference for the interjurisdictional staff committee.
- Section 7 provides concluding remarks.

2. Vision Statement

It was the vision for the acquisition, development, and use of the ORT that initially brought the various jurisdictions together to create a legacy project. Commitment to the shared vision has led the owner jurisdictions to develop an innovative approach to working together to coordinate the matters that are

vital to realizing the vision. A shared vision will continue to be the key reason that the owners continue to work together in the future to maximize the full potential of the ORT. It will also serve to identify the matters for which future coordination and joint action will be required. Given the importance of the vision, the level of commitment to the existing vision by the owner and stakeholder jurisdictions was assessed to determine whether the vision needed to be refreshed and expanded to achieve the full potential of the ORT.

2.1 Current Vision

No concise vision statement for the ORT, integrating all of the important elements, has been prepared to this point. Rather, the adopted vision consists of a number of important elements that are found in documents such as the terms of reference for both the Interjurisdictional Acquisition Team (IAT) and the Interjurisdictional Development Team (IDT). These elements are as follows:

- the development of the ORT as a recreational trail that excludes motorized vehicles;
- ensuring the right of public access along the entire ORT;
- providing a basic level of trail development (width and surfacing) to provide for desired use and safety;
- ensuring basic and consistent wayfinding along the ORT; and
- protecting the right of way for long term development of a continuous multi-modal transportation corridor.

While these elements are reasonably basic, they have provided the direction for significant achievements to date such as the acquisition of the corridor and the funding and construction of the initial phase of development.

2.2 Views of Elected Officials

Elected officials were requested to provide their views on the ORT vision at the workshop held in November 2017. Elected officials support the existing vision for the ORT, but believe that the vision should be expanded and refined to reflect the creation of a world-class rail trail that provides benefits firstly, to local citizens that are largely funding its acquisition and development, and secondly to visitors. The following are some of the elements that elected officials believe should be reflected in the vision statement:

- Ensuring that the location, design, and quality of public facilities—parking areas, rest areas (including washrooms), wayfinding and interpretive components (e.g., kiosks), benches, and road crossings—and the trail itself are coordinated. This does not necessarily imply that the same standard of development would be found in every jurisdiction, given that the character of the trail and the level of available funding may differ among jurisdictions.
- Wayfinding is vital to the success of the ORT in that it, more than any other element, reinforces the perception of a planned, continuous trail connecting the various communities along it.
- While recreational use of the ORT is common to all jurisdictions, it is recognized that the range of uses and activities may vary along differing sections of the rail trail. In some jurisdictions,

commuting on the trail may be more important than recreational uses. The uses of the ORT may also vary from season to season. For example, the use of the ORT during the winter months for Nordic skiing and snowshoeing may be stronger along certain sections of the rail trail than in others.

- Use of the ORT for events by various groups and organizations is supported, although such activities need to be coordinated to ensure that the trail remains open to the general public. Granting exclusive use to specific groups and organizations is not supported.
- Linking and marketing the ORT with other rail trails in the region (both north and south of the ORT) to create opportunities for increased recreation and tourism is very desirable.
- The role and involvement of the private sector in developing facilities and services that support the use of the ORT must be encouraged, as these will complement the public investments to create a world-class trail. Such facilities could include accommodation, eating and drinking establishments, bicycle rentals and repair services, and shuttle services.
- A minimum level of maintenance must be provided along the entire ORT if it is to support the projected uses and anticipated volume of activity. This is a matter that should be coordinated along the entire ORT.
- Linking local transportation services such as transit to the ORT should be promoted to enhance the role of the corridor in both commuting and recreational use.
- While the ORT will undoubtedly attract many visitors, it is also important to ensure that local citizens benefit from the investments that have been made on their behalf and, in large part, with development funds donated by the public.

2.3 Proposed Vision Statement

The following is a proposed vision statement which incorporates both the initial vision for the ORT as well as the suggestions made at the elected officials' workshop.

"It is the vision of Okanagan Rail Trail owners to develop and manage a world class rail trail that links the communities of the Okanagan Valley. While the type and intensity of use along the rail trail may vary from community to community, the ORT will provide a range of recreational, transportation, tourism, and event opportunities along the length of the trail and in the communities through which it passes. Rail trail uses will be managed to minimize conflicts between users and optimize the enjoyment of the rail trail experience for all. Community level trails and other regional trails will be integrated with the ORT. The enjoyment, convenience, and safety of local residents and visitors alike will be assured by the development and management of well-designed facilities along the rail trail, including private or other community developments along the route. While aspects of development, management, maintenance, and governance of the rail trail will be coordinated among the owner jurisdictions, the owner jurisdictions will retain decision-making authority for all matters within their legislated mandate, bylaws and adopted official policies. Finally, and in order to reflect the joint intent of the original purchase of the corridor, the ORT will provide a long term opportunity to develop a multi-modal transportation corridor linking the communities along the corridor."

3. ORT Interjurisdictional Arrangements

The achievements to date have resulted from the implementation of the initial vision established by the owner jurisdictions for the acquisition and development of the ORT and by their decision to work collaboratively to realize that vision. In this section, the past and current interjurisdictional arrangements that the owner jurisdictions established to pursue acquisition and development of the ORT are described and characterized.

3.1 Current and past interjurisdictional arrangements

The jurisdictions initially engaged in the acquisition of the CN rail corridor recognized from the start that they would only be successful in their negotiations with CN if they collaborated and established a united front. They also agreed that the full potential of the rail trail could only be achieved if they coordinated certain activities that were vital to the achievement of the shared vision. It was also recognized that the involvement of the OKIB was vital to achieving the shared vision for the rail trail, and the OKIB was invited to participate in the effort to acquire and develop the corridor.

In order to pursue acquisition of the CN right of way, the local governments agreed to develop an interjurisdictional arrangement through which to coordinate their activities. Rather than developing a comprehensive formal agreement, the local governments opted for a more practical, short-term approach. They agreed to prepare and abide by a simple terms of reference that would establish the basis for the partners to work together in negotiating acquisition of the right of way. The terms of reference provided for the establishment of a committee which became known as the Interjurisdictional Acquisition Team (IAT), consisting of senior staff from the three owner jurisdictions, the City of Vernon, and the District of Coldstream. The OKIB was also invited to participate as a member of the team in view of its important role in establishing a continuous rail trail. The terms of reference established:

- the objectives to be achieved;
- the membership of the committee;
- the committee's duties and responsibilities;
- the term for the committee; and
- the manner in which the team would function.

The IAT was responsible for establishing a coordinated approach to negotiations with CN, but was not given any decision-making authority. Final decisions were made by the elected councils and the RDNO board. In addition to the successful negotiation for acquiring the rail corridor, the IAT was also successful in negotiating statutory ROW-public access agreements between the owner jurisdictions. This agreement secured public access along the entire rail trail and also restricted the use of the rail trail by motorized vehicles.

Once the CN right of way was successfully acquired by the owner jurisdictions, the term of the IAT expired. The owner jurisdictions agreed that it was important to continue to coordinate ORT activities, including developing the rail trail to a minimum standard to enable its use as a recreational trail. They also agreed to develop a partnership with ORTI to raise the necessary funding for the initial phase of development. A consultant was engaged to assist with developing an appropriate interjurisdictional arrangement for undertaking the initial phase of development. The consultant identified and evaluated a broad range of models, ranging from limited interjurisdictional coordination to the establishment of a

stand-alone corporation or a nonprofit agency. The options were evaluated on the basis of a number of key considerations. The most important of these considerations were that the local governments would continue to own the sections of the rail trail within their boundaries, and that all final decisions would continue to be made by the elected councils and regional board.

Based on the consultant's report, the councils and regional board endorsed an interjurisdictional model that was based on the IAT model but was specifically designed to address matters related to the development of the first phase of the rail trail. As in the case of the IAT, the councils and regional board did not enter into a long-term, comprehensive agreement, but agreed to a clearly defined terms of reference for the establishment of a staff committee which became known as the Interjurisdictional Development Team (IDT).

To date, the owner jurisdictions have favoured informal interjurisdictional agreements that help achieve the shared vision of the ORT but do not change the fundamental governance structure and processes of the OKIB or the local governments. The arrangements have been characterized by the following:

- The interjurisdictional arrangements have focused on specific matters to be coordinated, and have not been designed to undertake a comprehensive mandate. In view of the focused nature of the mandate, the current and past arrangements have been "customized" for each phase of the work (IAT for acquisition and IDT for initial phase of development).
- The past and current arrangements have been time-limited in that the arrangement is only valid for the time period required to complete the task for which it was created. This incremental approach to establishing interjurisdictional arrangements has enabled the owner jurisdictions to monitor the effectiveness of the arrangement during each phase of the process, and allowed them to make appropriate adjustments to ensure effectiveness in subsequent phases.
- All interjurisdictional arrangements to date have been informal and voluntary, allowing each jurisdiction the opportunity to leave the arrangement without legal implications.
- All elected councils and the regional board were required to agree to joint plans, policies, regulations, or other initiatives in order for them to be ratified.
- All recommendations prepared by the staff committees have been made by consensus.
- The arrangements to date have not changed the basic governance structure or processes of the local governments or the OKIB. While an interjurisdictional staff committee advises and makes joint recommendations to the elected bodies, the elected councils and the regional board reserve the right to make all final decisions. The full authority and jurisdiction of local governments and the OKIB are respected in all interjurisdictional arrangements.

Fundamental to the current (IDT) and past (IAT) arrangement is the requirement that the ownership structure of the rail corridor is unaltered, and that each jurisdiction continues to own the section of the rail trail within its boundaries.

3.2 Characteristics of current and past interjurisdictional arrangements to be retained

Discussions with elected officials indicate that while there are some changes that must be undertaken to improve the current interjurisdictional arrangement, the basic structure and processes embodied in past

arrangements are still valid and should be used as a basis for future arrangements. Aspects of the current (IDT) and past arrangements that should be retained are as follows:

- **Customized.** The interjurisdictional arrangement must be customized, and specify the types of matters that will be coordinated and those which will be left to the individual jurisdictions to address.
- **Time-limited.** The interjurisdictional arrangement will only be valid for a specified time period—generally, the time required to address the matters to be coordinated.
- **Informal and voluntary.** The agreements to establish the interjurisdictional arrangement will be informal and voluntary, enabling jurisdictions to withdraw without penalty.
- **Endorsement of all jurisdictions required.** All elected councils (including the OKIB) and the regional board must agree to joint plans, policies, regulations, or other initiatives in order for them to be implemented along the entire ORT.
- **Staff committee advisory only.** A staff committee, consisting of senior staff from the owner and stakeholder jurisdictions, will be responsible for reporting to and for making recommendations to the elected councils and the board concerning joint initiatives and matters to be coordinated to realize the shared vision.
- **Shared funding.** The activities of the staff committee, including any joint initiatives such as planning and policy development, will be funded by the owner jurisdictions with costs allocated on the basis of an agreed-upon formula.
- **Maintain existing governance structures.** The interjurisdictional arrangement must not change the basic governance structure and processes of the OKIB or the local governments. All final decisions will be made by the elected councils and the regional board.
- **No change to ownership structure.** There shall be no change in the ownership structure for the ORT.

3.3 Aspects of the current arrangement requiring improvement

Elected officials are generally supportive of the approach used to design the current interjurisdictional arrangement. However, they identified the need to improve the level and quality of communication between the interjurisdictional staff committee and the elected councils and regional board. The specific elements targeted for improvement include:

- **Increased involvement of elected officials in future joint planning and policy initiatives for the ORT.** It is the view of elected officials from some jurisdictions that the current IDT arrangement does not provide the elected councils and board with sufficient information in advance of the decisions they are required to make on various initiatives. This places the elected councils and the board at a disadvantage in making sound decisions that reflect the interests of both their constituents and the vision for the ORT. The elected officials from these jurisdictions believe that earlier involvement in the process of preparing joint plans, policies, plans, regulations, and similar initiatives by elected officials is desirable. When joint initiatives such as plans and policies are proposed, it is suggested that the terms of reference for such initiatives set out the nature and scope of consultation to be carried out with the elected officials of the owner jurisdictions

prior to final decision-making. Consistent with the terms of reference, elected officials would then have the opportunity to be consulted prior to formal consideration of joint recommendations from the interjurisdictional committee. In certain cases, it may also be desirable to consult with the elected officials of the stakeholder jurisdictions where the plans or policies impact their interests and jurisdictions.

- **Increased communication.** Increased communication between the staff committee and the elected councils and board is required to ensure that elected officials are in a position to respond to inquiries or issues raised by their constituents. Required communication should include regular meetings between representatives of the staff committee with their elected bodies as well as opportunities to meet on specific matters as requested by the elected councils and board.
- **Representation of the City of Vernon and the District of Coldstream on the Interjurisdictional Committee.** Opportunity should be provided for the City of Vernon and the District of Coldstream to have representatives on the interjurisdictional staff committee in order to participate in discussions on matters that impact their communities. Participation of senior staff from these municipalities on the interjurisdictional staff team would also enhance communication between the interjurisdictional staff team and the two councils, ensuring that (1) the councils have the information required to respond to public enquiries, and (2) council policies are taken into account in the joint plans, policies, and other initiatives that impact the two municipalities. Recommendations on matters falling within the mandate and responsibilities of the owner jurisdictions would only be made by the representatives of the owner jurisdictions while recommendations on matters falling within the mandate and responsibilities of both owner and stakeholder jurisdictions would involve the entire staff committee.

4. Anticipated Opportunities and Challenges Related to Future ORT Use and Development

Construction of the ORT is anticipated to be complete by the fall of 2018, with some sections scheduled for completion in early 2018. Some seasonal work that cannot be completed in 2018, such as erosion control, may be undertaken in 2019. Development throughout 2018 and use of the trail by the public will have significant implications for the owner and stakeholder jurisdictions. The owner and stakeholder jurisdictions will need to:

- Complete the acquisition and secure public access for sections of the rail trail not yet finalized (e.g., OKIB section) in order to create a continuous corridor.
- Respond to the opportunities and issues arising from the use of the rail trail by the general public and for organized events and activities.
- Develop public facilities such as parking, rest areas, wayfinding and interpretive facilities.
- Engage and work with agencies involved in tourism marketing and fundraising.
- Respond to anticipated public and interest group demands for a greater voice in planning, design, use, and overall decision-making related to the ORT.

It is projected that a significant amount of coordination among the owner and stakeholder jurisdictions will be required in order to adequately address these matters.

4.1 Trail use issues

The use of the ORT by the general public and various groups will serve to identify issues that will require the attention of the owner jurisdictions. These issues are summarized below.

- **Permitted/prohibited uses.** The permitted uses and activities on the rail trail, and the activities which will be prohibited, have not yet been fully addressed by the owner jurisdictions. While the statutory right of way agreement between the owner jurisdictions prohibits motorized vehicles on the rail trail, other uses that will need to be addressed include trail use by equestrians, dogs (on and/or off leash), electric bicycles and perhaps even electric scooters. Conflict between trail users is reasonably common on trails, and it is likely that various interest groups will advocate for specific uses while wishing to restrict others.
- **Organized events.** Groups and organizations will view the rail trail as an attractive venue for organized events and functions. This could result in potential conflicts with the general public's use of the rail trail or between the groups and organizations themselves.
- **Development and enforcement of regulations.** In light of the various anticipated uses of the trail, it will be necessary to implement and enforce existing or new bylaw regulations. These regulations could cover a broad range of issues including the uses and activities permitted on the rail trail, ensuring public safety and dealing with nuisances.
- **Maintenance.** Trail use will result in the need for maintenance, and the need to establish minimum standards for maintenance.

4.2 Facility development

Increasing public rail trail use will result in the need to develop basic facilities to ensure the safety and convenience of trail users. These facilities include parking, wayfinding infrastructure, interpretive facilities, rest areas (including washrooms) refuse receptacles, and benches. The location, design, and other aspects of facility development will need to be coordinated although it is recognized that some facilities may not be located on the lands containing the ORT. Development of these facilities will not necessarily need to meet common standards although, in order to enable the ORT to have a consistent "look", some common design elements will need to be implemented. The matter of wayfinding and developing interpretive facilities are clearly important matters in linking the trail from one jurisdiction to another to create a cohesive facility.

4.3 Corridor acquisition

There are various sections of the rail trail yet to be acquired in order to establish a continuous, uninterrupted trail. The longest of these sections is located through the OKIB's Duck Lake I.R. No. 7. The OKIB has been in negotiations with both the federal government and CN Rail, and indications are that the right of way will be transferred to the OKIB. In addition to acquiring the CN right of way, the OKIB intends to add the right of way to Duck Lake I.R. No.7. This will require an application to the federal government to expand Duck Lake I.R. No. 7 through the Addition to Reserve process. Approval of the OKIB community may also be required to enable the ORT to pass through the reserve. The other owner jurisdictions are highly supportive of OKIB's acquisition of the right of way, the Addition to Reserve of

the corridor and its ultimate use as a rail trail that will allow public access along the 2.5 km section through Duck Lake I.R. No.7.

4.4 Involvement of external agencies

The development and use of the ORT will result in the need to engage with external agencies in areas such as marketing and fundraising.

4.4.1 Marketing the ORT

The development of a functional rail trail will result in the increased involvement of local and regional tourism marketing agencies in the marketing of the rail trail and in advocating for increased development of the rail trail to meet the expectations of visitors (including international visitors) to the region. In their November 2017 elected officials' workshop, participants acknowledged that facility and product marketing was not part of their core public services.

The Thompson Okanagan Tourist Association has prepared the Thompson Okanagan Regional Rail Trails Tourism Strategy that, while focusing on the Kettle Valley Rail Trail, also identifies the ORT as a key facility within the regional rail trail network. The strategy indicates that:

“A common theme for all successful rail trails, however, is an organizational symmetry that brings together the many different actors responsible for physical, product and market aspects of trail development in a coordinated fashion.”

To achieve this symmetry, the strategy recommends the implementation of a regional governance arrangement consisting of a trail advisory committee that would eventually transition to a Rail Trails Trust. In view of the rising importance of rail trails as key tourism assets in the region, there will be increased demands to link the marketing, physical and product development aspect of rail trail development in the region. The owner jurisdictions will need to determine how to work with marketing agencies and to what extent they are prepared to address tourism versus local demands for the use and development of the rail trail. While the owner jurisdictions may choose not to be actively involved in the actual marketing of the ORT, they will need to work with marketing agencies to develop marketing strategies that are consistent with the vision for the ORT.

4.4.2 Fundraising for the continued development of the ORT

Demands for continued development of the ORT will also require ongoing fundraising to supplement funds from government sources. The owner jurisdictions have had an excellent working relationship with ORTI, which has been, and continues to be, highly effective in raising funds for rail trail development. Developing relationships with funding partners, including private donors, will be necessary to generate the funds required to meet future development needs. The owner jurisdictions will need to develop strategies and policies to determine what fundraising will be done collectively and which will be undertaken on the basis of individual jurisdictions.

4.5 Responding to special interest groups and the general public

The development of a major recreational and tourism asset such as the ORT will result in increased interest on the part of user groups (e.g., cycling organizations) and the general public to become involved in decisions concerning the future development and use of the ORT. The views of these interest

groups and organizations may conflict with one another as well as with the views of community groups and the general public.

4.6 Responding to private sector initiatives and investment opportunities

The continued development and use of the ORT has already drawn the attention of the private sector for investment in opportunities that will be essential to generating the long term economic benefits of the ORT. These include accommodation, eating and drinking establishments, transportation services such as shuttles, and other services such as bicycle repair and rental establishments. While the approval of development proposals on lands adjacent to the corridor remains the sole responsibility of the owner and stakeholder jurisdictions, there may be an interest in developing design and other guidelines for developments oriented to the ORT. There may also be opportunities for concessions to be awarded for services that are oriented to the users of the ORT. Again, while these will continue to be awarded by individual jurisdictions, the owner jurisdictions may be interested in coordinating the award of concession and other contracts.

4.7 Proposed use of the ORT right of way by owner jurisdictions

It is possible and even probable that the owner jurisdictions may wish to use the ORT right of way for uses other than those already agreed to. For example, the City of Kelowna is planning to use a portion of the ORT lands within its boundaries for the construction of a sewer main. Such additional uses of the right of way may impact the shared vision and objectives for the ORT, and require full consultation with the other owner jurisdictions.

5. Matters Requiring Coordination in the Future

The owner jurisdictions believe that realizing the vision and shared objectives for the ORT will require continued coordination of activities, particularly when the trail is opened to public use. While coordination of certain activities will be required, elected officials also believe that certain matters do not require coordination and should be addressed by individual councils and the board to respond to local community needs. Additional or unanticipated matters may also arise and require coordination in the future. In these situations, the owner jurisdictions believe that monitoring is required to determine the need for coordination before final decisions are made. In all matters, including those matters for which coordination is desired, the final decisions will continue to be made by the elected councils and board.

Marketing and fundraising are aspects of ORT development that may also require a coordinated response; however, these activities are not central to the mandate of the owner jurisdictions, and it is evident that the owner jurisdictions do not wish to undertake such activities that are more effectively undertaken by other agencies working in partnership with them.

There is also a need to determine what aspects of a particular matter need to be coordinated. In some cases, coordination needs to occur at a high level—such as an overall plan or policy—while in other situations, coordination of more detailed, “on-the-ground” matters needs to be undertaken.

Discussions with the elected officials indicate that coordination may take differing forms depending on the specific matter and the degree of coordination required. These potential forms include the following:

- **Joint initiatives.** In this approach, the owner jurisdictions agree to collaborate on specific initiatives to establish the basis for coordinated action. Joint initiatives could include plans, policies, projects, or similar activities and would generally be carried out for the entire corridor under the direction of the interjurisdictional staff committee. Joint initiatives would draw on pooled financial resources and would require each council and board to agree to fund such initiatives. Joint initiatives would be undertaken in cases where there is a need for a high level of coordination and integration such as wayfinding and the development of interpretive facilities. An example of a joint initiative is the planning work that was carried out for the initial phase of development for the ORT now being completed. Once a joint initiative has been carried out and recommendations adopted by all of the councils and board, it provides the basis for individual jurisdictions to implement the joint plan, policy or other initiative within their own boundaries.
- **Coordinated action not requiring joint initiatives.** Not all matters requiring coordination will require a joint initiative to be carried out. In certain cases, the matter to be coordinated will be relatively straightforward or the level of required coordination may be relatively low. In this case, individual owner jurisdictions could jointly agree to a specific policy or course of action and implement it within their boundaries. An example is an agreement on regulating certain uses on the ORT. Once a policy or regulation has been jointly agreed to, it would be implemented by individual elected councils and the board by enacting or amending their own bylaws.
- **Agreement to monitor activities to determine the need for coordinated action.** Matters that may require joint or coordinated action are not always known in advance, but may become apparent in the course of the use and further development of the ORT. In situations where the actions of a jurisdiction may impact other jurisdictions, an individual council or the board would communicate its intentions and then determine, based on the response of other jurisdictions, whether further joint or coordinated actions are desirable.

5.1 Overview of issues requiring coordination

The matters tentatively identified by participants at the November 2017 elected officials workshop for coordinated or joint action in the future include:

- Oversight, monitoring, and management;
- Planning for long term development of the ORT;
- Design and construction;
- Regulation of uses and activities on the ORT;
- Maintenance and operations;
- Wayfinding and interpretive facilities;
- External communications and public relations;

- Programming and special events;
- Marketing and branding; and
- Fundraising.

Each of these matters is discussed in more detail below.

5.1.1 Oversight, monitoring, and management

Oversight, monitoring, and management are necessary to ensure that the overall vision established for the ORT is being realized, and that policies, procedures, and regulations jointly agreed upon by the owner jurisdictions are adhered to. This requires monitoring of uses and activities within the ORT corridor. It also involves monitoring the initiatives of other agencies and organizations to identify potential issues that may affect the ability of the owner jurisdictions to realize the vision for the ORT. Any issues requiring coordinated action by the owners would be identified, and solutions recommended by the interjurisdictional committee to the elected councils and board.

Views expressed at elected officials' workshop

There is general support for oversight and monitoring of activities, uses, and development related to the ORT, although there were questions on the level of management that would be carried out jointly. Elected officials believe that this will be more important during the initial development phases of the ORT, and less important when development is completed. Matters that would require oversight, monitoring, and management include future development such as parking facilities, rest areas, wayfinding and other public facilities, the regulation of uses (and the enforcement of regulations), and the maintenance of the ORT. The importance of good communication between the staff committee and the elected councils and board was stressed in order to identify what is working or not working, and to draw the attention of the councils and board to issues requiring action. The importance of providing consistent messages to the users and general public on coordinated activities was also identified.

Elected officials expressed support for the preparation of an annual ORT report that would identify the progress being made in ORT development, as well as address other matters such as major events.

5.1.2 Planning for long-term development of the ORT

The development of longer term plans and strategies are needed to guide the ultimate development of the ORT. Potential plans may include (1) upgrading the trail surface along certain sections, (2) the development and phasing of facilities such as parking, wayfinding infrastructure, interpretive facilities, rest areas (including washrooms), and refuse receptacles and (3) guidance for the development of future commercial or community-owned facilities adjoining the ORT. Future planning for the development of the ORT must also reflect marketing considerations to ensure the development of a world class attraction.

Views expressed at elected officials' workshop

Elected officials see planning as important activity that must be carried out in a coordinated manner to realize the vision and shared objectives. Elected officials view these activities as ongoing processes that must respond to new opportunities and constraints, and must deal not only with future

development but also the use of the ORT. Annual reviews and refocusing of plans must be undertaken so they remain relevant. Given the importance of longer term plans, elected officials believe that their preparation must involve extensive consultation with user groups, community groups, and the public. Elected officials must be consulted throughout the process, as individual councils and the board will ultimately be asked to approve the plans and strategies and ensure integration with their own official community plans. Integrating plans and strategies with marketing strategies prepared by marketing agencies is also important to elected officials.

As the scope of development will have major impacts on the ability of local government to fund future improvements, expectations may have to be managed. Elected officials emphasized the need to manage expectations consistent with the capacity of the owner jurisdictions to fund future development.

5.1.3 Design and construction

In order to realize the vision for the ORT, development beyond that being undertaken in the initial phase will be required. Future development on lands containing the ORT could include parking, wayfinding facilities, interpretive facilities, rest areas (including washroom facilities), road crossings, and refuse facilities. Coordinating the design and construction of these facilities will lead to design consistency along the ORT, in line with the ORT vision. This does not necessarily imply that the same standards would be implemented within all jurisdictions or that design work would be carried out jointly.

Views expressed at elected officials' workshop

Elected officials support continued coordination of design and construction, as occurred with the initial phase of construction, in order to ensure a consistent “look” or design theme for all facilities and amenities within the ORT. This does not imply that the same standard of development need apply across all jurisdictions, as individual jurisdictions wish to exercise some flexibility to reflect community preferences and financial considerations. The preparation of engineering drawings, the awarding of construction contracts, and the administration of contracts would be the responsibility of individual jurisdictions.

It is evident that elected councils and board wish to be consulted on matters of design and construction given the importance for the vision as well as the funding implications.

5.1.4 Regulating use and activities on the ORT

Owner jurisdictions have already agreed to some limitations on the uses permitted within the ORT corridor such as restricting motorized vehicles and protecting the corridor for possible future use as a multi-modal transportation corridor. A number of other issues may also be of concern due to potential conflict with already-permitted trail uses. These could include use of rail trail by equestrians and electric bicycles/scooters as well as dog control, noise, littering, and dumping of refuse. The owner jurisdictions will, in all probability, be required to enact and enforce regulations to address these or other issues. Whether the enactment and enforcement of certain regulations should be coordinated among the owner jurisdictions is currently unclear. While a coordinated response would result in more consistent regulations and enforcement for the ORT, it may also impact the ability of individual jurisdictions to respond to the needs of their own communities.

Views expressed at elected officials' workshop

Elected officials believe that some regulations will need to be enacted and enforced in a coordinated manner to ensure that the vision for the ORT is realized. They also believe that ORT uses and activities should be monitored to identify other issues that may require a coordinated response. Enacting and enforcing regulations, including those jointly agreed to, would remain the responsibility of individual local governments. In situations where consistent regulations along the entire ORT are required, jurisdictions may need to consult with one another to enact similar bylaws.

The importance of effective communication between the staff committee and the elected councils and board in monitoring the need for a coordinated response to issues was stressed. Potential issues identified by the elected officials include dog control, use of the ORT by equestrians, and the potential use of electric bicycles.

5.1.5 Maintenance and operations

Maintenance and operations activities include maintaining the trail surface, addressing hazardous conditions within or adjacent to the corridor, and maintaining and operating public facilities, such as parking, rest areas (including toilets), refuse facilities, interpretive kiosks, and wayfinding facilities. Maintenance and operations activities are needed to ensure the safe and convenient use of the ORT although it is unclear to what degree coordination of such activities is required to achieve the shared objectives. The establishment of minimum maintenance standards along the entire rail trail should be considered. Opportunities to take advantage of economies of scale and scope by engaging contractors to undertake certain maintenance responsibilities along some or all of the ORT may also need to be examined.

Views expressed at elected officials' workshop

Elected officials expressed the view that maintenance and operations for the ORT should generally be carried out by the individual owner jurisdictions for their sections of the trail due to cost and budget implications. Elected officials supported exploring the possibility of establishing a minimum level of maintenance for the entire ORT that all jurisdictions would agree to. Elected officials may also be open to contracting out certain maintenance and operations responsibilities for some or all of the ORT in order to take advantage of economies of scale and thereby reduce costs.

5.1.6 Wayfinding and interpretive facilities

Wayfinding and the development of interpretive facilities are viewed as important components of the ORT. These components will assist users in orienting themselves along the ORT and enhance the users' understanding of (1) the geographical, biophysical, social, and historical features of the ORT, (2) the communities that are connected by the trail and (3) the region as a whole. The questions to be addressed are:

- Is there a need to coordinate signage and other wayfinding and interpretive facilities on the ORT so that there is consistency in terms of content, design, standards/quality, location, and staging?
- To what degree should wayfinding and interpretive facilities also reflect the unique characteristic and opportunities within the individual communities which are connected by the ORT?

- Should the regulation of third party signs be coordinated along the ORT?

Views expressed at elected officials' workshop

Elected officials believe that wayfinding and the development of interpretive facilities within the ORT must be coordinated in order to realize the vision and shared objectives for the ORT. There must be consistency in design and standards, although provision must also be made to reflect the uniqueness of the local communities and the opportunities for visitors. Elected officials support an interpretive program that is focused on the natural environment as well as the geography, history, and culture of the area. Specifically, elected officials identified the opportunity to acknowledge and interpret the culture and heritage of the Syilx people, including the potential for signage within the ORT corridor to be provided in both the English and Syilx languages. The OKIB also wishes to ensure that all signage through Duck Lake I.R. No.7 as well as signage applicable to Syilx culture and history within the Syilx territory is in the Syilx language as well as in English. Given the importance of wayfinding and the development of interpretive facilities, elected officials wish to ensure that the elected councils and the board have some involvement in the planning and design of such facilities as well as the interpretive program.

5.1.7 External communications and public relations

External communications and public relations include:

- Responding to enquiries relating to the ORT from the public, user groups, other jurisdictions and agencies, and the media.
- Proactively distributing information concerning the ORT corridor (e.g., announcements, issues).
- Proactively consulting with the public, user groups, and other jurisdictions and agencies in the preparation of joint plans, policies, regulations and other initiatives.

The type of communication that should be coordinated to ensure consistent messages concerning the ORT, and the type of communication that should be left to individual jurisdictions, must be determined.

Views expressed at elected officials' workshop

Elected officials believe that this issue may need further discussion in view of potential issues such as the development of parking and possible regulations relating to the use of the ORT. The view is that certain types of communication should be coordinated to provide consistent messages to the public, external agencies and the media. However, there is also a need to ensure that certain types of communication are coordinated at the local level, particularly those dealing with local issues, programming and events.

5.1.8 Programming and special events

The ORT provides an attractive opportunity for groups and organizations to use the trail for special events and activities (e.g., organized running and cycling events, fundraising activities). Some of these events may involve the entire ORT while others may only involve portions of the trail. The question is whether such activities should be coordinated and whether corridor-wide policies and procedures should be adopted for events that impact multiple jurisdictions along the ORT.

Views expressed at elected officials' workshop

Elected officials believe that programming and special events occurring on the ORT should be coordinated, particularly those that impact the entire trail or those that could impact the opportunity for general use of the trail. Officials suggested that a system should be established to enable all owner jurisdictions to be informed on events and other organized activities on the trail. For the convenience of those wishing to use the trail for an event, a permitting process should be established within each owner jurisdiction to enable an application to be made and evaluated. ORT-wide policies and procedures should be developed to determine if the approval of other jurisdictions is required, and to identify the conditions to be met for events and similar activities.

5.1.9 Marketing and branding

The development of the ORT is already attracting considerable interest from agencies involved in tourism marketing (e.g., Thompson Okanagan Tourism Association, local tourism associations). The ORT also provides an opportunity for the owner jurisdictions and other local governments to become directly involved in marketing at both the trail-wide and local level. The question is whether marketing activities related to the ORT in general should be coordinated, and whether an overall "brand" should be established. A further question relates to how the owner jurisdictions wish to represent themselves to community-based tourism marketing agencies as well as region-wide agencies such as the Thompson Okanagan Tourism Association. Do they wish to coordinate their involvement with regional tourism marketing agencies and other government agencies, or do they wish to do this as individual jurisdictions?

Views expressed at elected officials' workshop

Elected officials believe that ORT marketing should be left to local and regional organizations with a mandate for marketing tourism opportunities, and should not be undertaken by the owner jurisdictions themselves. However, the owner jurisdictions should be involved in the development of marketing strategies and other initiatives. Elected officials are interested in establishing a "brand" for the ORT that includes a name and logo that would be used on signage, marketing material, computer applications, and in other means of communication. Elected officials are interested in undertaking an initiative involving all jurisdictions to develop the ORT logo and brand.

5.1.10 Fundraising

To date, fundraising for the development of the ORT has been coordinated by the owner jurisdictions in recognition of the higher degree of success in raising funds, especially grants. The ORTI has been a key organization involved in fundraising and has generated considerable funding for the first phase of development. In light of future planned development and expenditures, fundraising will remain an important activity in the successful development of the ORT. In moving forward, decisions need to be made in how fundraising will be undertaken, as well as the role of the owner jurisdictions and their partners in this process. The question is whether future fundraising should continue to be coordinated. Also, in the past, the owner jurisdictions have allocated the funds in such a way that all jurisdictions have benefitted and no individual jurisdiction has been "left behind" in the allocation of funds. A further question is whether to coordinate the allocation of funds generated from fundraising including grants.

Views expressed at elected officials' workshop

Elected officials believe that a certain amount of flexibility should be exercised in how fundraising is carried out in the future. There is support for the preparation of a more detailed fundraising policy and strategy that would provide guidance to owner jurisdictions and potential fundraising partners. This policy would address matters such as:

- Situations or funding sources such as grants where coordinated fundraising is required to ensure success.
- Projects and funding sources that need not be coordinated.
- Identification of acceptable sources of funding and the opportunity to expand fundraising opportunities, including corporate sponsorship.
- The recognition of donors, particularly large donors.

5.2 Recommendations

As discussed in the previous section, various matters related to the future use, development and marketing of the ORT will require coordination between the owner jurisdictions. Coordination of these matters will require activities that are undertaken jointly as well as activities that are carried out by the individual jurisdictions. Activities carried out jointly will generally involve:

- The preparation of joint plans and policies for the ORT;
- The coordination of the plans, policies, and similar initiatives prepared by the individual jurisdictions;
- Monitoring to ensure that uses and development of the ORT are consistent with the shared vision and objective for the ORT; and
- Communications with the public, media, and external groups and organizations on activities that are being carried out jointly.

Final decisions on all matters being carried out jointly, including the adoption of terms of reference and funding, would rest with the elected councils and board.

Implementation activities will generally be undertaken by the individual jurisdictions. Figure 1 provides an overview of the recommended activities to be undertaken jointly versus those to be undertaken by the individual jurisdictions. Figure 1 also identifies how external organizations may be involved in activities that are viewed as being outside of the mandate of the owner jurisdictions.

In undertaking joint activities or initiatives, provision may need to be made for joint funding of planning or similar activities in order to provide the basis for the implementation activities of the individual jurisdictions.

Figure 1: Summary of Recommendations for Coordination of Future Activities Related to the Use and Development of the ORT

Matters to be Coordinated	Activities to be Carried Out by Individual Jurisdictions	Activities to be Carried Out Jointly	Activities to be Carried Out by External Agencies
Monitoring and management	Monitor use and development of the ORT within jurisdiction’s boundaries on basis of jurisdiction’s own policies and regulations.	<p>Monitor use and development of ORT on basis of jointly agreed to plans, policies, and similar initiatives.</p> <p>Identify need for coordinated response and make joint recommendation to elected councils and board.</p>	
Planning for ORT support facilities	Implement plans once approved by the owner jurisdictions based on funding availability.	<p>Coordinate planning for ORT support facilities such as parking, rest areas, washrooms, viewpoints, docks, benches and similar facilities. (This could involve preparation of joint plans.)</p> <p>Prepare joint recommendation to elected councils and board on plans.</p>	Marketing organizations engaged and consulted during the planning process.
Planning for development of wayfinding facilities	Implement plans once approved by owner jurisdictions based on funding availability.	<p>Prepare plan, program and design for wayfinding facilities. Incorporate use of Syilx language for signage through Duck Lake I.R. No.7 and all signage applicable to Syilx cultural and historical features along the ORT.</p> <p>Prepare joint recommendation to elected councils and board on plans, program and design.</p>	
Planning for development of interpretive facilities	<p>Implement plans once approved by owner jurisdictions based on funding availability.</p> <p>Develop interpretive programs including content and interpretive messaging for facilities within the boundaries of the individual jurisdictions.</p>	<p>Prepare overall plans, program and general design standards for interpretive facilities. Incorporate use of Syilx language in all interpretive programs relating to Syilx cultural and historical features.</p> <p>Prepare joint recommendation to elected councils and board on plans, program and design.</p>	

Matters to be Coordinated	Activities to be Carried Out by Individual Jurisdictions	Activities to be Carried Out Jointly	Activities to be Carried Out by External Agencies
Construction	<p>Undertake detail design, tender and award of future support facilities, wayfinding and interpretive projects.</p> <p>Provide contract management and construction services.</p>	<p>Coordinate detail design to address technical issues of mutual concern.</p>	
Regulating use	<p>Prepare necessary bylaws to implement regulations agreed to by owner jurisdictions.</p>	<p>Monitor need for coordinated responses to issues related to rail trail use (e.g., policies or regulations).</p> <p>Prepare joint recommendation to elected councils and board to address issues related to the use of the ORT.</p>	
Maintenance and operations	<p>Undertake maintenance activities of ORT consistent with adopted minimum standards.</p>	<p>Prepare minimum maintenance standards for ORT.</p> <p>Prepare joint recommendation to elected councils and board on minimum maintenance standards.</p>	
External communication and public relations	<p>Provide communications for all public, media, and other enquiries related to activities and initiatives being taken by individual jurisdictions.</p>	<p>Provide a single point for communications for all public, media, and other enquiries related to joint activities being undertaken by jurisdictions (includes project updates, schedule of events, regulations).</p> <p>Provide opportunities for public consultation on all major joint initiatives based on agreed upon terms of reference.</p>	
Programming and special events	<p>Approve events and organized activities for the use of section of ORT within the jurisdiction's boundaries consistent with joint policy.</p>	<p>Prepare policy for use of the ORT by organizations for special events and organized activities (e.g., prohibiting exclusive use) and prepare joint recommendations to elected councils and board.</p>	

Matters to be Coordinated	Activities to be Carried Out by Individual Jurisdictions	Activities to be Carried Out Jointly	Activities to be Carried Out by External Agencies
		<p>Provide coordination of applications and approvals for special events and organized activities intending to use the <i>entire</i> ORT.</p> <p>Maintain an events calendar for approved special events and organized activities.</p>	
Marketing and branding	Develop and support local marketing strategies in consultation with local marketing agencies.	<p>Develop recommendations to elected councils and board on logo and brand for ORT.</p> <p>Provide input to local and regional marketing agencies on marketing strategy for the ORT. Prepare recommendation to elected councils and board on marketing strategy.</p>	Develop and implement marketing strategies including preparation of marketing materials, videos, media advertising, etc.
Fundraising	Undertake fundraising and prepare grant applications for projects located within the jurisdictions' boundaries.	<p>Provide overall coordination of fundraising activity in consultation with external organizations.</p> <p>Coordinate and prepare government grant applications for ORT-wide planning and development projects.</p>	Undertake fundraising activities or ORT-wide planning and development projects consistent with strategies and policies.

6. Proposed Terms of Reference for the Post-IDT Interjurisdictional Arrangement

6.1 Considerations

The ability to deal with the opportunities and challenges arising in the next phase of ORT development will require coordinated action by the owner jurisdictions on a number of fronts. This will necessitate the design and implementation of an effective interjurisdictional arrangement.

6.1.1 Required changes from previous interjurisdictional arrangements

The range and types of matters to be addressed in the future differ in some respects from previous arrangements, as follows:

- Rather than focusing on a single function such as “acquisition” or “development”, the future arrangement will be required to concurrently address a broader range of interrelated issues. It will also need to address the issues over a longer period of time. These were discussed at length in the previous section.
- In view of the increased involvement of external agencies, interest groups, community groups, and the private sector, the ability to consult and communicate with such agencies and groups must be enhanced.
- Increased involvement of community groups and the general public will also require an increased level of involvement by the elected councils and board, as many of the demands for information and involvement will be directed to elected officials rather than staff. This will require a greater emphasis on consultation and communication between the elected councils and board and the interjurisdictional staff committee. As noted earlier in the report, the need for increased communication between the interjurisdictional staff committee and the councils and board has been identified by the elected officials of some jurisdictions as an issue with the current IDT arrangement.

6.1.2 No change in fundamental governance structure and processes

While the use and future development of the ORT will require interjurisdictional arrangements to differ from past arrangements, there is little support for changes to fundamental governance structures and processes. Key characteristics of the governance structure and processes to remain unchanged include the following.

- The current ownership structure will remain in place in that individual jurisdictions will continue to own the section of the ORT within their boundaries. As ownership will not change, there are basic responsibilities and functions that must, by necessity, be carried out by the owners. This in turn requires them to maintain ultimate authority over decisions concerning the asset they own and the activities occurring on it.
- No change in the broad governance structure and decision-making process is proposed. Elected councils and the board will continue to make final decisions on recommendations and advice provided by the interjurisdictional staff committee and on all matters related to the expenditure of public funds and their legislative responsibilities. In view of the anticipated uses and further

development of the ORT, this will require the councils and board to be well-supported by the interjurisdictional staff committee in terms of receiving adequate and timely information and recommendations.

- The owner jurisdictions do not intend to undertake activities that are not central to their mandate. For example, while they will participate in developing marketing and fundraising strategies, they will not duplicate the activities of local or regional tourism marketing agencies nor will they duplicate the efforts of trusted fundraising partners.
- All future interjurisdictional arrangements must reflect decisions and agreements already made including the statutory ROW-public access agreements.
- The responsibilities and activities of the staff committee apply only to lands containing the ORT and not to adjacent lands. Only when requested by a jurisdiction, would the staff committee provide advice or recommendations on the uses or developments occurring on adjacent lands.

6.1.3 Role and responsibilities of the interjurisdictional staff committee

In past arrangements, the interjurisdictional staff committee has been central to the process of advising the elected councils and board on the coordination of activities as well as managing joint initiatives authorized by the elected councils and board. Other than the need to enhance communication between the committee and the elected councils and board, this approach has generally been effective. It is proposed to retain the interjurisdictional staff committee as a key component of the post-IDT interjurisdictional arrangement, with the caveat that communications between the staff committee and the elected councils and board need to be clarified and improved.

6.1.4 Increased communication between interjurisdictional committee and councils and board

In the post-IDT arrangement, provision will be made to ensure that elected councils and board of the owner jurisdictions are adequately informed and supported in making decisions on joint recommendations from the interjurisdictional staff committee, and that they are provided with regular updates on the staff committee's activities and initiatives.

To implement this, the following measures are proposed:

- In the case of joint initiatives such as planning or policy development, the terms of reference for such initiatives will establish the nature and scope of consultation to be carried out with elected officials of the owner jurisdictions. This would provide opportunity for elected officials to have input to the plan or policy initiative prior to its formal consideration. As the elected councils and board of the owner jurisdictions would be required to approve any terms of reference and funding for joint initiatives, they would have direct input into the nature and scope of required consultation. In cases where the interests of stakeholder jurisdictions are impacted by joint initiatives, provision would also be made in the terms of reference to consult with the elected officials of stakeholder jurisdictions.
- The staff person appointed from each jurisdiction will be required to:

- determine, in consultation with their elected council or board, the frequency of meetings required to adequately inform their respective council or board on the activities of the staff committee; and
 - attend the meetings and present updates to their respective council or board on the basis of the agreed upon schedule.
- In addition to providing regular updates, the staff person appointed from each jurisdiction will be required to respond to requests from their individual elected councils and board to meet on specific matters and issues. In certain circumstances, additional members of the jurisdictional staff committee may also be required to attend such meetings to provide required information.

6.2 Terms of Reference for Interjurisdictional Committee

Given the considerations discussed in Section 6.1, it is proposed that the owner jurisdictions take an approach similar to past approaches in establishing a basic terms of reference for the interjurisdictional staff committee. This requires no changes to the fundamental governance structure and processes, but provides an administrative arrangement to facilitate the future coordination of activities related to the ORT. By improving communication and opportunities for increased consultation for the councils and board, decision-making will be based on more timely and enhanced information.

The terms of reference for the IDT addressed the following topics:

- Purpose
- Interpretation
- Principles
- Vision
- Matters requiring joint or coordinated action
- Appointment of staff committee
- Responsibilities of staff committee
- Responsibilities of owner and stakeholder jurisdictions
- Required consultation and communications with councils and regional board
- Term of staff committee
- Staff committee membership
- Representation of members
- Appointment of committee chairperson
- Procedures
- Funding and financial management

A format similar to the outline described above is recommended for the future terms of reference. The proposed terms of reference for the post-IDT interjurisdictional committee is provided in Appendix 1.

6.3 Transition from IDT to new Staff Committee

It is probable that the mandate of the current IDT will not be completed until sometime in 2018 due to the time required to complete construction of the initial phase of development. While construction of the initial phase of development will be ongoing in 2018 for certain sections of the ORT, other sections of the ORT will be open to the public. This will result in the need to concurrently address matters within the mandate of the new staff committee and the matters falling within the mandate of the IDT. It is

recommended that the new interjurisdictional staff committee be established as soon as sections of the ORT are officially opened to the public and to transition the remaining responsibilities of the IDT to the new committee at that time. This avoids the situation where two staff committees are responsible for coordinating related activities.

6.4 Name of the Interjurisdictional Staff Committee

The proposed name of the interjurisdictional staff committee is the Okanagan Rail Trail Committee.

7.0 Conclusion

The owner jurisdictions have made significant progress in the acquisition and development of the ORT. Realizing the shared vision and full potential of the ORT will require additional effort. Much of this effort will require coordination and resources, and must be supported by a well-conceived interjurisdictional arrangement that is effective in enabling the owner and stakeholder jurisdictions to work together. Rather than undertaking significant changes to the governance structure for future decision-making related to the ORT, the owner jurisdictions have opted to continue with a practical and informal administrative arrangement that leaves decision-making where it should be—with the elected councils and board. By taking an incremental approach to designing and implementing such arrangements, the owner jurisdictions have been in a position to efficiently adjust and customize the arrangements while leaving their basic governance structure in place. This approach is again proposed for the post-IDT arrangement, which will need to address somewhat different opportunities and challenges from those experienced in the past.

A review of international best practices established for rail trails indicates that the recommended arrangement is consistent with these practices. Consistent with international best practices the proposed arrangement provides for:

- A trail-level governance arrangement that has a clear vision, strategy, leadership, and direction.
- The involvement of individuals with relevant skills and experience.
- Clarity around roles and responsibilities within the interjurisdictional arrangement, including the separation of governance and management/administrative functions.
- Potential for adequate financial resources to be provided to maintain and provide for the further development of the trail.
- Direct involvement of the local government and First Nations in the governance and management of the trails.
- Clarity around the roles and responsibilities of external partners, and the ability to collaborate in planning, development, and marketing of the trail.
- Commitment to long-term, stable funding.
- Existence of dedicated organizations and teams at the regional level to help with marketing and promotion.

Appendix 1
Terms of Reference
Okanagan Rail Trail Committee

1. Purpose

The purpose of these terms of reference is to establish a basis for the owner and stakeholder jurisdictions to work collaboratively in the further development, maintenance, and use of the Okanagan Rail Trail corridor.

2. Interpretation

In these terms of reference:

“Elected councils and board” means the elected councils and regional board of the owner and stakeholder jurisdictions.

“Joint initiative” means an initiative managed by the ORT committee and jointly agreed to and funded by the owner jurisdictions for the purpose of carrying out a plan, project or similar activity to enable the preparation of joint recommendations, but does not involve activities related to the funding and/or the construction of facilities.

“OKIB” means the Okanagan Indian Band.

“ORT” means the Okanagan Rail Trail.

“Okanagan Rail Trail Committee or ORT Committee” means the interjurisdictional staff committee appointed by the elected councils and board under these terms of reference.

“Owner jurisdictions” means the Okanagan Indian Band, the District of Lake Country, the City of Kelowna and the Regional District of North Okanagan.

“Stakeholder jurisdictions” means the City of Vernon and the District of Coldstream.

3. Principles

The jurisdictions will strive to adhere to the following principles in the coordination of activities related to the development, maintenance and use of the ORT:

- To achieve the shared vision for the ORT.
- To work toward the establishment and continuation of mutual trust among the owner and stakeholder jurisdictions.
- To work collaboratively to support the interjurisdictional arrangements agreed to by the jurisdictions.
- To seek consensus on matters requiring joint decisions.
- To acknowledge that the elected leaders of the owner jurisdictions have the decision-making authority for all matters within their legislated mandate.

- To ensure excellent communication among the jurisdictions and between the elected bodies and the ORT committee.
- To treat in confidence those matters designated as such by the ORT committee, elected councils or board consistent with applicable legislation.
- To commit to membership within the interjurisdictional arrangement to the end of its term.

4. Vision

The owner jurisdictions agree to work together in realizing the shared vision for the ORT as follows:

“It is the vision of Okanagan Rail Trail owners to develop and manage a world class rail trail that links the communities of the Okanagan Valley. While the type and intensity of use along the rail trail may vary from community to community, the ORT will provide a range of recreational, transportation, tourism, and event opportunities along the length of the trail and in the communities through which it passes. Rail trail uses will be managed to minimize conflicts between users and optimize the enjoyment of the rail trail experience for all. Community level trails and other regional trails will be integrated with the ORT. The enjoyment, convenience, and safety of local residents and visitors alike will be assured by the development and management of well-designed facilities along the rail trail, including private or other community developments along the route. While aspects of development, management, maintenance, and governance of the rail trail will be coordinated among the owner jurisdictions, the owner jurisdictions will retain decision-making authority for all matters within their legislated mandate, bylaws and adopted official policies. Finally, and in order to reflect the joint intent of the original purchase of the corridor, the ORT will provide a long term opportunity to develop a multi-modal transportation corridor linking the communities along the corridor.”

5. Coordination Required to Achieve Shared Vision

The owner jurisdictions agree that certain matters related to the future use and development of the ORT will need to be coordinated in order to realize the shared vision. These are as follows:

- Monitoring and responding to uses, activities, and developments that may be inconsistent with the shared vision, objectives, and agreements for the ORT.
- Planning for the future development of facilities to support the use of the ORT (e.g., parking, washrooms).
- Planning for the development of wayfinding systems and facilities.
- Planning for the development of interpretive programs and facilities.
- Designing and constructing facilities within the ORT.
- Developing policies and coordinating events and similar activities proposed for the entire ORT.
- Establishing maintenance standards and practices.
- Liaising and providing input to external marketing agencies in their preparation and implementation of ORT marketing strategies.
- Fundraising activities and preparation of grant applications.
- Responding to developments proposed within the rail trail corridor by individual owner jurisdictions (e.g. underground utilities)
- Responding to third party interests in the rail trail corridor such as accesses, crossings, leases, rights of way/easements, signage and similar applications.

- Communication and messaging to the public and external groups and organizations on the matters described in this section.

The scope of matters to be coordinated is subject to change from time to time with the approval of the owner jurisdictions.

6. Appointment of ORT Committee

The owner jurisdictions agree to:

- Establish a staff committee to be called the ORT committee, comprised of representatives from the owner and stakeholder jurisdictions, to make recommendations to the elected councils and the board for the coordination of activities required to achieve the shared vision and objectives for the ORT.
- Financially support the activities of the ORT committee on the basis set out in these terms of reference.

7. Responsibilities of the ORT Committee

The responsibilities of the ORT committee are as described in this section. The responsibilities of the ORT committee are limited to the lands containing the ORT.

- a) Monitor the use and development of the ORT to ensure compliance with the shared vision, adopted joint plans, policies, regulations and standards and to make recommendations to the elected councils and board on issues of joint concern or interest.
- b) To coordinate and make joint recommendations to the elected councils and board on the following matters:
 - Plans for the development of ORT support facilities such as parking facilities, rest areas (including washrooms), benches, viewpoints and other facilities deemed necessary to provide for the safety, convenience, and enjoyment of trail users.
 - Design and construction of future facilities within the ORT.
 - A wayfinding plan to be prepared as a joint initiative to provide the basis for the development of wayfinding facilities.
 - A plan, to be prepared as a joint initiative, to identify the location, general design and standards for the development of interpretive facilities provided that individual jurisdictions retain the right to develop the program and content of interpretive messaging for facilities within their own boundaries.
 - Maintenance standards for the ORT.
 - Management of events impacting the entire ORT.
 - Measures to address uses and activities that are inconsistent with the shared vision, objectives, principles, plans, and policies for the ORT.
 - Proposals by owner jurisdictions for development within the rail trail corridor (e.g., underground utilities).
 - Policies and regulations to ensure a coordinated and consistent approach in response to applications from citizens, developers, and other private interests for accesses, crossings, leases, rights of way/easements, dock tenures, signs and similar applications.

- Strategies and plans for communicating with the general public, external groups, organizations, and the media on all matters being coordinated by the staff committee.

In addition to undertaking joint initiatives for the preparation of plans for wayfinding and interpretive facilities, the ORT committee may carry out joint initiatives for other matters to be coordinated. Joint initiatives are subject to the approval of terms of reference and funding of such initiatives by the elected councils and board of the owner jurisdictions.

The ORT committee will make recommendations only to those councils and board that have the jurisdiction and responsibility to make decisions on the matter to be coordinated.

- c) To undertake any remaining responsibilities within the mandate of the IDT upon the dissolution of the IDT.
- d) To liaise with external marketing agencies and to contribute to the preparation and implementation of marketing strategies for the ORT.
- e) In collaboration with external agencies and partners, to coordinate fundraising for joint initiatives including the preparation of grant applications.
- f) To provide a single point of contact for the provision of information to the general public, external groups and organizations, the media, and potential funding partners for all matters that are being coordinated by the ORT committee.
- g) To respond to requests from the owner and stakeholder jurisdictions for input on land use and other development proposals impacting the rail trail corridor.
- h) To investigate and make recommendations on the joint provision of services within the ORT corridor such as maintenance.
- i) To support individual owner jurisdictions in the acquisition of the remaining sections of the ORT from CN Rail, other than the provision of funding.
- j) To support the OKIB in its efforts to have a portion of the ORT through Duck Lake I.R. No. 7 designated as "Reserve" and to support the designation, use, and development of this section of the corridor as a publicly-accessible rail trail.
- k) To identify opportunities for economic development and private sector investment within each jurisdiction along the ORT including those in Duck Lake I.R. No. 7.
- l) To consult and communicate with the elected councils and board of the owner and stakeholder jurisdictions consistent with the provisions of Section 9 of these terms of reference.
- m) To engage consultants or contract staff to assist the ORT committee in undertaking its responsibilities.
- n) To administer and manage the funds approved for the activities of the ORT committee consistent with approved budgets and financial management practices.
- o) To prepare recommendations to the elected councils and board of the owner jurisdictions for confirming the funding formula and input data for each fiscal year.

8. Responsibilities of Elected Councils and Board

It is acknowledged that the elected councils and board of both the owner and stakeholder jurisdictions have ultimate authority over their policies, plans, bylaws, and budgets. With this understanding, the responsibilities of the elected councils and board are as follows:

- a) To consider and make decisions on joint recommendations made by the ORT committee on those matters described in Section 5 of these terms of reference.

- b) To take the necessary steps and provide the necessary resources to implement jointly agreed to plans, strategies, policies, and other joint initiatives falling within their jurisdiction and responsibilities as approved by the elected councils and board. Specifically, to:
- Prepare more detailed plans, as required, consistent with the jointly adopted plans for the ORT in order to integrate the ORT with transportation plans, official community plans, parks and recreation plans, capital plans, and other local government plans and polices.
 - In the case of owner jurisdictions, to undertake capital projects within the ORT corridor located within their jurisdictions consistent with jointly agreed-upon plans and standards for the ORT and the ability to fund such capital projects.
 - Enact bylaws for their jurisdictions consistent with jointly agreed-upon policies.
 - In the case of the owner jurisdictions, to maintain the ORT within their jurisdictions consistent with jointly agreed-upon standards.
 - Make decisions on individual applications for OCP amendment, re-zoning, development permits, temporary use permits, building permits, access permits, crossings, leases, rights of way/easements and similar applications taking into account agreed-upon joint plans and policies for the ORT.
 - In the case of owner jurisdictions, to administer and adjudicate encroachment claims, leases, rights of way/easements, and other tenures and claims consistent with agreed-upon joint policies.
 - In the case of owner jurisdictions, to enter into agreements with other partner organizations and funding agencies for fundraising and other initiatives that provide for the achievement of joint plans and policies.
- c) To appoint staff to the ORT committee and provide the necessary financial support for the participation of their representatives on the ORT committee.
- d) In the case of the owner jurisdictions, to support the functioning and operation of the ORT committee.
- e) To participate in consultation activities as described in Section 9 of these terms of reference.
- f) To collaborate with the other participating jurisdictions and in accordance with these terms of reference to achieve the purpose and the broader shared vision and objectives for the ORT.

9. Required Consultation and Communications with Councils and Regional Board

The ORT committee shall ensure that the elected councils and the board are:

- informed and supported in their decisions on joint recommendations from the ORT committee; and
- provided with regular communication on the activities of the ORT committee.

Specifically:

- a) In the case of joint initiatives, terms of reference for such initiatives shall establish the nature and scope of consultation to be carried out with elected officials of the owner jurisdictions. Consultation with elected officials consistent with the terms of reference shall be carried out prior to formal consideration of joint recommendations by the elected councils and board. In cases where the interests of stakeholder jurisdictions are impacted by joint initiatives, provision

shall also be made in the terms of reference to consult with the elected officials of stakeholder jurisdictions.

- b) The staff person appointed from each jurisdiction shall:
- determine, in consultation with their elected council or board, the frequency of meetings required to adequately inform their respective council or board on the activities of the ORT committee; and
 - attend the meetings and present updates to their respective council or board on the basis of the agreed upon schedule.
- (c) In addition to providing regular updates, the staff person appointed from each jurisdiction shall respond to requests from their individual elected councils and board to meet on specific matters and issues. In certain circumstances, additional members of the ORT committee, including the chairperson, may also be required to attend such meetings to provide information.

10. Term of ORT Committee

The term of the ORT committee shall be two years from the date of ratification of these terms of reference. The owner jurisdictions may decide to extend the term of the ORT committee if deemed necessary to achieve the shared vision and objectives for the corridor.

11. ORT Committee Membership

11.1 Representation

The membership of the ORT committee shall consist of a representative from each of the owner and stakeholder jurisdictions. Each representative shall meet the qualifications set out in Section 12.1 of these terms of reference.

11.2 Membership Requires Endorsement of Terms of Reference

Membership in the ORT committee by any owner or stakeholder jurisdiction requires the endorsement of these terms of reference and the commitments herein.

11.3 Membership is Voluntary

Membership in the ORT committee is voluntary and any member may suspend or terminate its membership at any time, provided that the other members of the ORT committee are notified in writing sixty days in advance of the date of the suspension or withdrawal.

12. Representation of Members

12.1 Appointment of Representatives

Each member of the ORT committee shall be represented by its chief administrative officer. Designates may be appointed to or withdrawn from the ORT committee by written notice from the chief administrative officer. The representative must:

- a) Have the authority to fully represent the First Nation, municipality or regional district, and must be able to make decisions and commitments on behalf of the First Nation, municipality or regional district on matters other than those requiring approval by the elected councils or board; and
- b) Possess the qualifications and knowledge required to address the matters described in Section 7 of these terms of reference.

Attendance at meetings of the ORT committee shall be limited to one representative from each jurisdiction.

12.2 Term of Representatives

To ensure continuity in representation, representatives appointed to the ORT committee shall, to the extent possible, serve to the end of the term as described in Section 10 of these terms of reference.

12.3 Duties and Responsibilities of Representatives

The duties and responsibilities of the representatives are as follows:

- a) To represent the interests, objectives, and policies of their respective First Nation, municipality or regional district in the discussions, initiatives, and recommendations of the staff committee.
- b) To report on the activities of the ORT committee to their respective elected councils and board.
- c) To present the reports prepared and recommended by the ORT committee to their respective elected council or board to enable elected councils and board to make decisions on joint plans, policies, proposals, and other initiatives.
- d) To secure expertise and human resources from their First Nation, municipality or regional district to assist in meeting the needs of the ORT committee in carrying out its responsibilities.

13. Appointment of Committee Chairperson

The ORT committee shall appoint a chairperson at its first meeting to assist in carrying out its duties and responsibilities.

13.1 Duties and Responsibilities of Chairperson

The chairperson shall be required to carry out the following duties:

- a) To prepare, or provide for the preparation of, written reports, joint recommendations, agreements, and similar documents to the elected councils and the board.
- b) To be the point person for the administration of consulting contracts.
- c) To be the point person for all external communications with the public, community groups, government agencies, and the media for all matters being undertaken jointly or being coordinated for the entire ORT.
- d) To meet with and present reports and other information to the elected councils and board as well as staff of member jurisdictions as required.
- e) To prepare and circulate meeting agendas and information.
- f) To prepare meeting notes and maintain records of meeting notes and other documents.

- g) To assign one or more of the duties described in this section to other ORT committee members upon consent of the ORT committee.

13.2 Term of Chairperson

The term of the chairperson shall coincide with the term of the ORT committee as set out in Section 10 of these terms of reference.

14. Procedures

The ORT committee shall establish procedures as required, although it is the intent to keep the procedures as flexible and as informal as possible. The following are the basic procedures to be followed.

14.1 Decision Making

Decisions by the ORT committee shall be made as follows:

- a) Decisions on matters falling within the mandate, jurisdiction and responsibilities of the owner jurisdictions shall only be made by the representatives of the owner jurisdictions.
- b) Decisions on matters falling within the mandate, jurisdiction and responsibilities of both owner and stakeholder jurisdictions shall be made by the entire ORT committee.
- c) The ORT committee shall strive to make decisions that advance the shared vision and objectives for the ORT and that reflect the opportunities and limitations of each participating jurisdiction.
- d) Decisions by the ORT committee will be made by consensus among the representatives entitled to be involved in the decisions as described in subsections (a) and (b) of this section.

14.2 Meetings

The ORT committee shall, at a minimum, hold regular quarterly meetings. Additional or fewer meetings, if required, will be at the call of the chairperson.

14.3 Meeting Notes

The ORT committee shall ensure that meeting notes are taken at each meeting and that a record of such notes is maintained.

15. Funding and Financial Management

Costs associated with the functioning and operation of the ORT committee will be funded as follows:

- a) Costs associated with the participation of each jurisdiction's representative on the ORT committee shall be borne by each jurisdiction directly.
- b) The costs to be borne jointly by the owner jurisdictions include:
 - Costs for carrying out joint initiatives;
 - Costs associated with the activities of the committee chairperson;
 - Costs associated with administrative or technical staff seconded from a specific jurisdiction by the ORT committee; and

- Costs for external support services required by the ORT committee to carry out its duties and responsibilities for matters described in Section 7.
- c) The ORT committee shall provide to each owner jurisdiction by August 1st of the year preceding the year in which the costs will be incurred, an estimate of the jurisdiction's share of the annual costs that are to be borne jointly.
- d) Costs that are to be borne jointly by the owner jurisdictions shall be shared on the basis of the formula set out in Appendix 1 to these terms of reference.
- e) No expenditure of funds for costs that are borne jointly shall be made until the budget for the ORT committee's operation has been approved by each of the elected councils or board of the owner jurisdictions.
- f) The ORT committee shall appoint or second a financial manager who will be a staff member of one of the owner jurisdictions to manage the finances of the ORT committee consistent with policies and practices of the owner jurisdiction.
- g) The financial manager shall report to the committee chairperson.

These terms of reference are adopted by the participating jurisdictions by the signature of the Municipal Mayors, Regional District Chair, and Chief of the OKIB as follows:

Chair, Regional District of North Okanagan

Date

Chief, Okanagan Indian Band

Date

Mayor, District of Lake Country

Date

Mayor, City of Kelowna

Date

Mayor, City of Vernon

Date

Mayor, District of Coldstream

Date

Appendix 1

Formula for Sharing Costs Associated with the Functioning of the Staff Committee

Costs associated with the operation and functioning of the staff committee that are to be borne jointly by the owner jurisdictions will be shared on the basis of the formula described as follows:

$$C = L \times T$$

Where:

C = the costs to be paid by each of the participating owner jurisdictions.

L = the percentage of the overall length of the ORT corridor within the boundaries of each owner jurisdiction.

T = the total shared costs.