

**Terms of Reference  
Regional District of Nanaimo (RDN)  
Electoral Area F Governance and Services Study**

**Overview of Regional District of Nanaimo**

The Regional District of Nanaimo (RDN) was established in 1967 and is one of 27 regional districts in B.C. It is governed by a Board of Directors whose members are appointed from four member municipalities' councils and elected from the region's seven electoral areas. The RDN encompasses an area of more than 200,000 Ha with a population of 155,698 (2016) and is situated within the territories of several First Nations.

The RDN Board has 19 Directors, elected to office for a four-year term (current term November 13, 2018 to November 8, 2022). The RDN is a local government that provides a variety of localized and regional services to its electoral areas and municipalities, both under legislation and by agreement, including emergency response systems, water systems, fire departments, land use planning, building inspection, solid waste management and parks and recreation services. The Board meets regularly to govern the affairs of the region and to establish local bylaws and public policy.

Electoral Area F, located in the central part of the RDN, includes the communities of Coombs, Hilliers, Errington, Meadowood and Whiskey Creek and the surrounding rural areas. According to the 2016 census, the area has a population of 7,724 and has experienced a population increase of approximately 4.1 per cent since 2011. A map of Electoral Area F is provided as Appendix A.

**Purpose of Governance and Services Study**

The purpose of the RDN Electoral Area F Governance and Services Study (Study) is to engage the public in an analysis of the current state of governance and service delivery in Electoral Area F, to understand the concerns, interests and priorities of the residents of the area, and to identify possible options for governance and service delivery models going forward, within the regional district framework.

The Study will illustrate the features of the current governance structure by describing the service delivery, method of cost recovery and decision-making arrangements. It will also include an engagement phase, which will educate the public on the current governance and service delivery in Electoral Area F, aid in determining the issues and interests that are of greatest concern to Electoral Area F communities and identify whether there are differences in how each of the communities envision their future.

The Study will provide current information about the existing local government system by:

- Describing the governance of unincorporated communities within a regional district, as well as the governance and statutory powers of municipalities, as appropriate for clarity;
- Describing how decisions are made in each community by the local government jurisdiction responsible for each of the local services received, e.g. RDN, improvement district, fire protection district, committee/commission, etc. (as applicable);
- Identifying and describing the different roles, responsibilities and jurisdictions of all local service providers, including the costs for services and how the services are paid for;

- Identifying geographies of concurrent services (if any) and cohesive community identities; and
- Engaging residents and property owners in the identification of common interests and concerns, and opinions on how alternative governance structures may meet the communities needs.

With a common understanding of the local government system, there will be an opportunity for Electoral Area F residents to engage in a discussion about the ways in which the current governance structure is and is not meeting the area's needs and an opportunity to highlight whether there are any common issues facing residents and property owners throughout the various communities and rural areas in the Electoral Area.

The Study will not provide detailed technical or financial information specifically on the impact of municipal incorporation. A governance and services study is not an incorporation study, instead focusing on how the current Regional District service delivery model functions, and whether the existing local government system is able to meet community needs or whether further study is warranted in relation to specific options.

### **Study Process**

The Study will be overseen by the RDN Board, RDN staff, a local Governance and Services Study Committee (Study Committee) and a Study consultant, with each having a different role and responsibility.

The RDN Board will oversee the Study. The Board will consider the Study findings and any recommendations in the final report and determine how to proceed. Specifically, the Electoral Area F Director will play a key role in the Study process, and as an *ex officio* non-voting member of the Study Committee, the Electoral Area F Director will provide an important link between the Study Committee and the RDN Board, ensuring the Study process is carried out in an inclusive, open and transparent manner.

A local Study Committee will be appointed by the RDN Board. Once established, the Study Committee will work with the Study consultant through the research and education elements of the Study work and engage the community in discussion. The Study Committee is a committee of the RDN Board and will report to the RDN. More details on how the Study Committee members are selected are provided below.

RDN staff will develop a request for proposals (RFP) for a Study consultant that builds upon the parameters set out in these terms of reference. The RFP will be issued by the RDN following the RDN's procurement policy and process. The RDN will select the successful consultant and will present the Study Committee with information on the selection of the consultant. The Study consultant will be independent, neutral, and a qualified expert in local governments.

The Study consultant will lead the Study and will work closely with the Study Committee. The Study consultant is a technician who should facilitate discussions and provide information without taking a position within the Study Committee or community. The consultant's report will conform to these principles and will be free of undue influence and will represent unbiased statements of facts, options, and conclusions. The consultant shall work closely with the Study Committee and report directly to the RDN, who will administer the contract.

The Study consultant will undertake engagement with the community and with stakeholders. The Study consultant will be responsible for identifying which key stakeholders to engage with as part of this process.

RDN and Ministry of Municipal Affairs (Ministry) staff will undertake engagement and outreach with First Nations who may have an interest in the Study and in providing their input and views in addition to their participation in the public engagement component of this Study.

The Study process will include:

- Research, documentation, and technical analysis, consisting of a profile of each service Electoral Area F receives and how it is governed, delivered and paid for, culminating in a draft preliminary governance and service Study report.
- Public engagement and stakeholder consultation processes focused on the contents of the draft preliminary report findings, community education and awareness, and issues identification.
- Realistic options for addressing issues and concerns based on the information gathered, with an implementation outline or next steps for each option.

The Study will culminate in a final governance and services report, providing a synopsis of both the governance and service findings and a summary of the outcomes from the public engagement process and a framework for assessing options.

Following completion of the Study, the consultant will present the draft final report to the Study Committee and RDN staff. The report may offer a series of recommendations on next steps, such as whether issues and concerns can be addressed through existing services and governance arrangements or whether further study is required. The Study Committee will receive and review the report and provide recommendations on which priorities should be further explored by the RDN Board. This may include undertaking additional restructure studies, such as a boundary analysis or incorporation study, should the Study indicate there is need for further analysis, based on public sentiment in the community and the feasibility of the options and next steps identified in the report.

The consultant will present the final report and recommendations to the RDN Board. The final report findings will also be provided by RDN staff to the Ministry.

Following these recommendations, the RDN Board has the discretion to determine whether to act on any or all of them and may contact the Ministry to consider possible next steps in the decision to fund or address alternatives.

### **Study Committee**

The Study Committee, working with RDN staff and the consultant, ensures that the Study and engagement with the community are neutral and balanced.

The Study Committee includes the Electoral Area Director in an *ex-officio* (non-voting) capacity. The composition of the volunteer Study Committee should be broadly representative of the various backgrounds, interests and localities in Electoral Area F. There should be 7-11 members, selected through an advertised call for members and appointed by the RDN Board.

The Study Committee is an objective fact-finding body. Individual members should ensure that any expression of their personal opinions does not detract from the ability of the Study Committee to function as a neutral conduit for information to the community. Committee members should see themselves as process managers, not decision-makers, and therefore favour consensus where possible as the method of working and moving the process forward.

Meetings are open to the public. At the first meeting of the Study Committee members will decide on codes of conduct that will be adhered to during the study process.

The Study Committee will provide input and guidance to the Consultant regarding public engagement during the Study process and to ensure the Study and community engagement are neutral and balanced. The Study Committee will also offer comments and advice on educational materials, consultation synopsis and report recommendations, based on member knowledge and expertise.

The Study Committee will select a chair and other positions from among its membership. RDN staff will assist with logistics, attend Study Committee meetings in an observational role, take minutes, and act as a resource to the Study Committee as needed.

The Study Committee is an advisory committee and will be appointed by the RDN Board in accordance with the RDN Procedure Bylaw and RDN practices.

## **Public Engagement**

The Study Committee, in collaboration with the consultant, should determine how best to engage with the public and stakeholders directly affected in the Study process. It is important to establish parameters for public participation so that residents and property owners understand the various opportunities to participate in the Study.

All meetings and public engagement activities will operate in compliance with provincial COVID-19 public health orders and RDN safety protocols, including mask and vaccine mandates where applicable.

The public engagement strategy should include:

- a process by which all residents throughout Electoral Area F will have an opportunity to participate in public engagement activities;
- community meeting(s) to present information to the public and to seek community feedback, as well as online resources, education and engagement opportunities;
- a process to gather information from the public and stakeholders on community issues;
- careful consideration of public engagement strategies during COVID-19; and
- a communication strategy prepared by the consultant for reporting out to the public on the Study progress

## **Scope of Work**

### **Study Area**

The entire geographical area of Electoral Area F will be encompassed in the Study. Including the entire geographical area of Electoral Area F in the Study will aid in determining the issues and interests that are

of greatest concern to residents and stakeholders in all localities throughout Electoral Area F, and will identify whether there are differences in how each of the communities perceive themselves and envision their future.

### Study Timeline

The Study will consist of several key milestones, which are outlined in the table below. The consultant will need to ensure their workplan meets these deadlines. The final Study report must be completed and presented to the RDN Board by the consultant May 2, 2023 and provided to the Minister of Municipal Affairs by the RDN no later than May 31, 2023.

Item	Deadline	Required Information
Draft Interim Report	June 27, 2022	Consultant will submit draft interim report comprised of research, documentation and technical analysis, community profiles, and public engagement strategy created in collaboration with the Study Committee, as set out in the Study Terms of Reference.
Communication and Public Engagement Materials	August – October, 2022	(No public facing/public engagement work during this time surrounding the local government general election period.) Consultant works with Study Committee in developing communication materials/processes for public engagement
Public Engagement	November 1, 2022, to January 31, 2023	Consultant and Study Committee will conduct public engagement activities and stakeholder meetings, gather public input and identify issues as set out in the Study Terms of Reference. Communication and other education materials will be created and RDN's Get Involved Website and social media will be updated in collaboration with RDN staff as required.
Draft Final Report	February 1 – March 16, 2023	Consultant will develop a draft final report providing a synopsis of the findings and a summary of the outcomes from the public engagement process and identified issues, with an outline of proposed next steps for each option.  The Study Committee will receive and review the draft final report for completeness and provide suggestions and feedback on recommendations to be made to the RDN Board in the final report. The draft final report will be provided by the Consultant to RDN staff.
Final Report and presentation to RDN Board	April 17, 2023  May 2, 2023	Consultant to provide final report to RDN staff. Report includes: <ol style="list-style-type: none"> <li>1. Synopsis of governance and service findings</li> <li>2. Summary of outcomes from the public engagement</li> <li>3. A framework for assessing options and outcomes resulted from findings</li> <li>4. Identified recommendations and possible next steps</li> </ol> Consultant presents final report and recommendations to RDN Board.

This timeline will become more certain after a consultant is selected and agreement is reached with the consultant on a feasible study completion schedule. Timelines may be adjusted with mutual consent of the Ministry and the RDN.

## Study Contents

The final Study report should align with the objectives of the Study. The report should present observations and analysis in a form that is legible and understandable to a broad public audience. The Study contents should include, but are not limited to:

1. Community characteristics and socio-economic profiles in relation to each of the communities and rural areas within the Electoral Area F Study area:
  - a. Description of community history and how communities perceive themselves;
  - b. Community characteristics here such as kilometres of roads and spectrum of services;
  - c. Population trends, both historic and forecasted;
  - d. Description of housing stock, household and dwelling characteristics;
  - e. Tax base trends, by individual tax class and with respect to the mix of tax classes;
  - f. Description of current business and industry;
  - g. Economic growth indicators such as building permits trends; and
  - h. Exploration of the sense of community connectedness with the other settlement nodes/communities.
2. Overview of rural governance:
  - a. Explain the nature of regional districts, their three central roles, and the financial obligations of a regional district member (both electoral area and municipality);
  - b. Outline the powers and responsibilities of regional districts:
    - i. Contrast the processes in regional district and municipal decision-making, in particular related to local decisions; and
    - ii. Note differences in powers and responsibilities for municipalities.
3. Identify the different design choices made available under the *Local Government Act* for rural governance.
  - a. Explain the different opportunities for service delivery.
  - b. Identify Board decision-making requirements for rural services and how decisions on rural services are made.
4. Describe the tax assessment system in BC and taxation in unincorporated jurisdictions:
  - a. Describe the differences in farm class assessment and taxation in municipal and unincorporated jurisdictions;
  - b. Summarize improvement district, municipal and regional district access to Provincial and Federal grant programs; and
  - c. Note municipal-only Provincial and Federal grant programs.
5. Current governance and service delivery in Electoral Area F:

- a. Describe the provision of services with reference to each of the major service providers (RDN and committees/commissions or volunteers if appropriate, private utilities, and the Province), their governance structure, service geography and methods of cost-recovery;
  - b. Describe how the service providers make decisions in relation to the services provided to the community;
  - c. Describe the relationship between different service providers (e.g. where water service is provided by one entity and sewer or fire protection by another), how those linkages are functionally managed and how they communicate with each other and identify common interests or issues;
  - d. Describe the level of cooperation/collaboration amongst governing bodies of service providers, with reference to their relative roles and responsibilities;
  - e. The use of any commissions or committees and their effectiveness in Area F, including but not limited to Advisory Planning Commissions, Recreation Commissions, Recreation Societies, etc.; and
  - f. Note variations in governance and/or service features and levels across different sub-areas of Area F, and complexities or benefits that arise.
6. Synopsis of public engagement:
- a. Summary of public engagement activities;
  - b. Report on results of stakeholder consultation; and
  - c. Summary of community issues and future community needs including an analysis of the current local government structure's ability to address issue or meet needs.
7. Appendices
- a. Copies of public engagement materials; and
  - b. Copies of foundation documents, e.g. Minister's letter to the RDN Board, project terms of reference, request for proposals, etc.

## **Out of Scope**

Undertaking detailed technical and financial information on the impact of municipal incorporation is outside the scope of this Study. Such an analysis would be found in an incorporation study, which could follow a governance and services study as a separate and subsequent step.

## **Role of Ministry**

Ministry staff will be available as a resource to RDN staff, the Study Committee, and the consultant, and will provide additional input including review of the draft materials and provision of comments prior to completion of the final report.

## **Administration of the Study**

As outlined in the "Study Process", the RDN will procure a consultant in accordance with the RDN's procurement policy.

An independent consultant will be sought to undertake this study with sufficient experience and expertise in local government boundary extension/restructure, service delivery and governance studies.

In working with the consultant, the RDN is responsible for ensuring that expected outputs completed by the consultant meet the requirements outlined in this Terms of Reference. This will be culminated through progress reports that will be shared with Ministry staff, the community and the RDN Board.

The consultant shall lead the Study and work closely with the Study Committee. The consultant will report directly to the RDN, who will administer the contract.

The total funding available for the governance Study will be determined by the RDN. The Ministry's financial commitment to the governance Study is \$60,000.

The RDN will provide Ministry staff with a copy of the selected consultant's proposal accepted as the basis of a contract for the study and/or a preliminary outline of the study and work plan before substantive work begins.



## Appendix A

