

Page 001 to/à Page 069

Withheld pursuant to/removed as

s.13;s.17

**PROPOSED SILVER STAR RESORT ASSOCIATION
CONFERENCE CALL**

FEBRUARY 16, 2016 AT 2:00 PM

CONFERENCE CALL DIAL-IN ^{s.15,s.17}

PARTICIPANT ID ^{s.15,s.17}

PARTICIPANTS

Dannie Carsen

Gary Paget

Cathy Bickford

Ken Derpak

Jim Godfrey

AGENDA

1. High-level review of the Draft Proposed Silver Star Resort Association Briefing Note for content and completeness.
2. Discussion concerning proposed 'Resort Promotion Area'.
3. Discussion concerning proposed 'Resort Land'.
4. Review of the property petition process and wording of the petition.
5. High-level review of proposed stakeholder engagement process.
6. Next steps.

CORRESPONDENCE WITH THE CAO OF THE REGIONAL DISTRICT OF NORTH
OKANAGAN

EMAIL TO DAVID SEWELL FROM JIM GODFREY – MARCH 11, 2016

Hi David

I wanted to thank you for taking the time to meet with Ken and I earlier this week to review the draft Briefing Note.

We appreciated your candidness in sharing the continuing RDNO governance concern related to the creation of a resort association. As we understand the governance concern, it relates to scope, political comfort and a fear that a complaint may be lodged with the RDNO and it would not be in a position to resolve it.

We hope that our continuing dialogue will be able to resolve these concerns in a way that will allow Silver Star to move forward and to continue to be the cornerstone of winter tourism for the region and an important part of the regional economy.

We have reviewed your concern about scope with the Task Force and they have agreed to remove transportation and security from the list of purposes contained in the proposed Constitution. We hope with this change, the concern relative to scope is resolved.

We would be pleased to assist where possible to help attain the political comfort that would allow us to move forward with our planned stakeholder engagement program. Task Force members can be made available at your convenience to meet with the Area C director to respond to any questions or concerns he may have. In addition, the Task Force would like to have the opportunity to meet with the RDNO Board at a Committee of the Whole Meeting to review in depth the proposed resort association and to respond to any questions the Board might have. It is hoped that this dialogue would provide the required comfort at this stage of the process.

The Task Force is sensitive to the fear that a complaint may be lodged with the RDNO and it may not be in a position to resolve it. In order to help mitigate this concern, the Task Force has proposed the resort association board of directors include one director appointed by the RDNO. The Task Force would be pleased to consider an additional appointment if you thought that would be helpful. When assessing this risk, it is hoped that the risk will be weighted against the potential benefits.

The Province, through the *Resort Associations Act* requires as one part of the approval process a valid property owner petition, which must have the support of the majority of the owners representing at least one-half of the assessed value of the parcels within the designated resort lands. This is a high test. It could be argued, that the Province in creating the *Resort Associations Act*, recognized the governance concern and accordingly created this high test.

We are looking forward to your input on the content and completeness of the Briefing Note. We want to ensure we have not made any technical errors from your perspective. Specifically, your advice on the proposed 'Resort Promotion Area', proposed 'Resort Lands' and the proposed Constitution and Bylaws content would be appreciated.

During the Task Force meeting earlier this week, it was suggested by some Task Force members that we begin to lobby RDNO directors. We shared your concerns and as a consequence the Task Force is not pursuing any lobbying at this time.

David, the Task Force is attempting to resolve concerns that have been raised by the RDNO. They would appreciate any advice you might have that would make the resort association model attractive to the RDNO at both the staff and elected level.

We look forward to continuing to work with you on this initiative and the opportunity to meet with RDNO Board at a Committee of the Whole meeting at your earliest convenience.

Jim

EMAIL TO JIM GODFREY FROM DAVID SEWELL – MARCH 18, 2016

Jim

Thanks – I hope that we can move this initiative forward as well and address / allay the concerns regarding the governance.

As I review the briefing document and look to provide information to my Board I am hoping that you could assist in providing some detail. Specific questions that I have include:

1. What does Big White do from a marketing perspective? I ask as Sun Peaks, Rossland, and Whistler are in municipalities whereas Big White is a local competitor and is located within the Regional District of Kootenay Boundary. Is it voluntary, a resort association or a charge on title similar to the existing RAM fee?

2. What is the current revenue breakdown between Residential and Commercial on the RAM fee? Are there significant differences in collectability in the classes?
3. Can you provide which areas of the Community are covered by the RAM fee and which are not?
4. Page 15 of the briefing document references maximization of non-member assessment revenues. What would those be?
5. Is the success of the Resort Association contingent on the separate approval of a Hotel Room tax? A significant portion of the budget is projected from such a tax.
6. Residential Resort Lot definition states that it is 'never offered as rental accommodation'. There was some discussions of greater than / less than 28 days. Would I read this definition to say that renting it for a single day would change the categorization?
7. Residential Lodging reads that it would include any strata title condominiums which can be rented. Would this mean that even if they weren't rented they would still be categorized as Residential Lodging?
8. Is there a limit to the number of parcels that a representative can vote for? I note that Mt Washington has a limit of being the representative of 5 members or 5 proxy votes
9. What are the Single Owner Hotels at Silver Star? Are there instances where a single owner owns more than 20 rooms but less than 100% of the rooms?
10. Is clause 2.5 whereby a member is expelled liable for past assessments only or would that also include future assessments as well?
11. Is there any maximum borrowing / assessment restrictions? Under the Local Government Act, any service created by an RD has to identify a maximum requisition amount. Is there are comparable requirement?
12. Clause 7.8(c) provides for the removal of a Director by special resolution. Would that voting be by all members or only those members of the class that elected said Director?
13. It appears that Silver Star Mountain would not be eligible to vote for the Commercial Director. I do not see such a restriction on the other classes? Am I to assume that if SSMR

owned parcels in those applicable categories, they would be eligible to vote for those Directors?

Thanks for any help you can provide in addressing these.

David

EMAIL FROM JIM GODFREY TO DAVID SEWELL – MARCH 23, 2016

Hi David

Thank you for taking the time to review the Briefing Note. I have reviewed your questions with Ken and as such the responses that follow incorporate his input.

In preparing the response to the question concerning Big White Ski Resort, Ken contacted the Senior Vice President of Marketing for Big White Ski Resort and the response to the question includes the information provided by him. As you can appreciate, Silver Star and Big White are competitors and they tend to be somewhat reserved in sharing information. Accordingly, the response to this question may not be as comprehensive as you would like.

QUESTION 1

What does Big White do from a marketing perspective? I ask as Sun Peaks, Rossland, and Whistler are in municipalities whereas Big White is a local competitor and is located within the Regional District of Kootenay Boundary. Is it voluntary, a resort association or a charge on title similar to the existing RAM fee?

ANSWER

The Senior VP of Marketing for Big White Ski Resort advised that Big White Ski Resort has primary responsibility for the marketing of the resort. He further advised that Big White owns all of the restaurants and commercial operations (some of which are leased out) and most of the buildings.

Apparently the only real commercial business they do not own is the one grocery store and although it does not contribute to the marketing, Big White controls their rent and therefore it contributes through it's rent. In addition, Big White controls approximately 600 accommodation doors – this includes all of the strata hotels and condominiums while two other companies manage single-family homes (80 and 60 respectively).

As such, the structure in Big White is distinctly different from Silver Star. The mountain operator either owns and operates or owns and leases the commercial component and controls the majority of the accommodation sector. That is not the case in Silver Star and, therefore, is likely not a good comparison.

The Sun Peaks Resort Association model might warrant a further look. Sun Peaks Resort Mountain Association (doing business as Tourism Sun Peaks) is located in the Thompson-Nicola Regional District and was created in 1996 prior to the creation of the Sun Peaks Resort Municipality. The Sun Peaks Mountain Resort Association operated for 14 years before the resort municipality of Sun Peaks was created in 2010. During that period, the first phase of a four-phase master development plan was completed and the second phase initiated.

It could be argued that the Sun Peaks model appears to more closely align with the approach the Task Force is attempting to pursue.

In reviewing options for going forward, consideration was given to the existence of the Rent Charge (RAM) on the title of a significant number properties – it is a distinguishing feature. And, it was recognized that when the Rent Charge was placed on title, a provision was included that allowed for a transition from the Rent Charge to a resort association if one was created.

QUESTION 2

What is the current revenue breakdown between Residential and Commercial on the RAM fee? Are there significant differences in collectability in the classes?

ANSWER

Residential properties (Class 1) contribute 58% of the RAM fees collected while commercial properties (Class 6) contribute 42%. If all the fees were being collected, the percentage would change to 52% residential and 48% commercial.

There does not appear to be significant differences in the collectability between the classes – it appears to be more dependent upon the individual than the property class.

It should be noted that the mountain operator has resisted becoming overly aggressive in the collection of RAM fees while this process is underway.

QUESTION 3

Can you provide which areas of the Community are covered by the RAM fee and which are not?

ANSWER

One of the challenges with RAM is that it has not been uniformly applied and this is further complicated by some differences in the legal language. Although the concept may have been good (perhaps on the high side) it has floundered through implementation.

Having said that, almost all of the Village commercial tenants have covenants and are either covered through RAM agreements or under the Rent Charge on title if a separate title exists. All of the homes in the Ridge and Alpine Meadows subdivision are included. All of the hotels including the Bulldog, Aberdeen, Vance Creek, Chilcoot, Snowbird, Silver Creek, Pinnacles and Hostel and Firelight are included.

Some properties in the Knoll and Cabin Colony and Creekside contribute through a rental management firm but do not have rent charges on title.

Approximately 505 Class 1 properties (52%) are subject to a RAM agreement or a Rent Charge on title.

QUESTION 4

Page 15 of the briefing document references maximization of non-member assessment revenues. What would those be?

ANSWER

This would include access to the Municipal and Regional District Tax, Co-op Programs and other government funding/grant programs that may come available from time to time. It would also include fees for businesses not located on resort lands or within the resort promotion area but doing business in Silver Star.

QUESTION 5

Is the success of the Resort Association contingent on the separate approval of a Hotel Room tax? A significant portion of the budget is projected from such a tax.

ANSWER

No, although the Municipal Regional District Tax would be an important revenue source and under the draft budget would account for 14% of the projected revenue, the success of the resort association is not contingent upon receiving the tax. Having said that, the Municipal Regional District Tax is used in over 50 jurisdictions throughout the Province including almost all, if not all of Silver Star's direct competitors.

If the resort association were created, it would have to go through the appropriate processes and approvals to become an eligible entity for the Municipal and Regional District Tax.

The draft budget reflects a second full year of operation given the time it would take to apply for and receive the Municipal and Regional District Tax.

QUESTION 6

Residential Resort Lot definition states that it is 'never offered as rental accommodation'. There was some discussions of greater than / less than 28 days. Would I read this definition to say that renting it for a single day would change the categorization?

ANSWER

The Task Force considered providing a number of days that an owner could rent their property before there was a change in the category and following considerable dialogue decided that if a property was offered for rent it would be included in the Residential Lodging category. The drivers behind this decision were the inability to effectively 'police' the rental period and the ability of a property to benefit from resort marketing to generate significant revenues during key periods like Christmas, spring break and Easter.

QUESTION 7

Residential Lodging reads that it would include any strata title condominiums which can be rented. Would this mean that even if they weren't rented they would still be categorized as Residential Lodging?

ANSWER

No. If the unit is not offered for rent, it is classified as a Residential Resort Lot. If it were offered for rent, it would then be classified as Residential Lodging. The test is whether or not it is offered for rent.

QUESTION 8

Is there a limit to the number of parcels that a representative can vote for? I note that Mt Washington has a limit of being the representative of 5 members or 5 proxy votes

ANSWER

No. There does not appear to be any such limitation in the Sun Peaks, Whistler or Red Mountain bylaws.

QUESTION 9

What are the Single Owner Hotels at Silver Star? Are there instances where a single owner

owns more than 20 rooms but less than 100% of the rooms?

ANSWER

The single owner hotels are the Vance Creek, Chilcoot, Bulldog and the Samesun Hostel. There are no instances where a single owner owns less than 100% of the rooms.

QUESTION 10

Is clause 2.5 whereby a member is expelled liable for past assessments only or would that also include future assessments as well?

ANSWER

An expelled member that is an Owner of a Resort Lot remains liable for past and future assessments.

QUESTION 11

Is there any maximum borrowing / assessment restrictions? Under the Local Government Act, any service created by an RD has to identify a maximum requisition amount. Is there any comparable requirement?

ANSWER

No, but the resort association is accountable to its members. It is controlled by a board of directors elected by its members and will have bylaws to govern its operations. To function successfully, it will have to rely on and respond to its membership.

The borrowing provisions are consistent with Whistler, Sun Peaks and Red Mountain bylaws.

QUESTION 12

Clause 7.8(c) provides for the removal of a Director by special resolution. Would that voting be by all members or only those members of the class that elected said Director?

ANSWER

The voting would be done by all members and would have to meet the requirements of a Special Resolution (a majority of not less than 3/4 of the votes cast by such members of the SSRA as, being entitled so to do, vote in person or by proxy at a general meeting of the SSRA).

QUESTION 13

It appears that Silver Star Mountain would not be eligible to vote for the Commercial Director. I do not see such a restriction on the other classes? Am I to assume that if SSMR

owned parcels in those applicable categories, they would be eligible to vote for those Directors?

ANSWER

Your assumption is correct.

I hope that the responses to the above questions are helpful. As mentioned in my earlier email, the Task Force would appreciate any advice you might have that would make the resort association attractive to the RDNO.

The Task Force remains anxious to have a meeting with the RDNO Board at a Committee of the Whole and are hopeful this can be arranged shortly.

Please do not hesitate to send me an email or call if you require any clarification or if I can be of any further assistance. I can be reached at 1.604.932.8808.

Best,

Jim

EMAIL FROM DAVID SEWELL TO JIM GODFREY – MARCH 25, 2016

Thanks Jim. I appreciate your efforts and will be working on moving this issue forward.

David

EMAIL FROM JIM GODFREY TO DAVID SEWELL – MARCH 29, 2016

Hi David

Thank you. If you have any further questions please do not hesitate to contact me.

Best,

Jim

From: [Carsen, Dannie CSCD:EX](#)
To: [Bickford, Cathy CSCD:EX](#)
Subject: Silver Star Resort Association Arises!
Date: Tuesday, October 27, 2015 3:34:59 PM

Cathy, just got off the phone with Jim Godfrey of Silver Star in discussions about a Resort Association. Want to bring you in on this early as you'll be an alternate in case any other resort associations arise.

Regards,
Dannie

From: [Jim Godfrey](#)
To: [Carsen, Dannie CSCD:EX](#)
Subject: Silver Star Resort Association
Date: Tuesday, February 9, 2016 3:25:24 PM

Hi Dannie

I was wondering if we could arrange a time for a conference call to discuss the work of the Silver Star Marketing Task Force and its desire to explore further the creation of a Silver Star Resort Association.

I am hoping that we might be able to schedule an hour on either February 15, 16 or 19.

Thank you,

Jim

From: [Jim Godfrey](#)
To: [Carsen, Dannie CSCD:EX](#)
Subject: Re: Accepted: Silver Star Resort Association @ Tue Feb 16, 2016 2pm - 2:30pm s.22
Date: Wednesday, February 10, 2016 8:25:18 AM

Hi Dannie

My telephone number is s.22 There will be one other person joining us on the call. If you could send the government call in number that would be appreciated.

Thanks,

Jim

On Tue, Feb 9, 2016 at 4:02 PM, Carsen, Dannie CSCD:EX <Dannie.Carsen@gov.bc.ca> wrote:

Hello Jim,

I would need your telephone number if only you are involved. Otherwise I would set up a government call in number if you want the Task Force people to listen in.

It would be helpful to get your phone number in any case, just in case there are technical problems the day of the call.

Regards,

Dannie Carsen | Senior Program Analyst

Community Relations | Ministry of Community, Sport and Cultural Development

Direct: [250.387.2188](tel:250.387.2188) | Fax: [250.387.7972](tel:250.387.7972) | Toll free [604-660-2421](tel:604-660-2421) in Vancouver or [1-800-663-7867](tel:1-800-663-7867)

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

-----Original Appointment-----

From: Google Calendar [<mailto:calendar-notification@google.com>] On Behalf Of s.22

Sent: Tuesday, February 9, 2016 3:54 PM

To: Carsen, Dannie CSCD:EX

Subject: Accepted: Silver Star Resort Association @ Tue Feb 16, 2016 2pm - 2:30pm s.22

When: Tuesday, February 16, 2016 2:00 PM-2:30 PM (UTC-08:00) Pacific Time (US & Canada).

Where: conference call

s.22 has accepted this invitation.

Silver Star Resort Association

A conference call to discuss the work of the Silver Star Marketing Task Force and its desire to explore further details of creating a Resort Association

Background

As I mentioned during our conversation, Silver Star is attempting to move forward with the creation of a 'Silver Star Mountain Resort Association'.

The process to date has included the creation of a Task Force with representation from the retail sector, non-strata hotel sector, strata hotel sector, Silver Star Property Owners Association, food and beverage sector, Silver Star Mountain Resort ownership, small business/property owners, property owners/residents and the alternate director for the RDNO.

The Task Force, which is chaired by the property owner/resident representative, has reviewed a briefing binder that outlined some options s.13,s.17 and has met with a representative from Tourism Sun Peaks and the CAO for the RDNO.

Subsequent to the review of the briefing binder and the meetings with the representative from the Tourism Sun Peaks and the CAO for the RDNO, the Task Force conducted a workshop and at the conclusion, decided they would like to pursue the creation of a resort association and if possible, s.13,s.17

s.13,s.17

The Resort Associations Act, the Province's Quick Reference Guide To Creating A Resort Association and the British Columbia Resort Associations Creation Checklist are currently guiding the work of the Task Force.

I appreciated your comments about the complexity of both the Whistler Resort Association and Sun Peaks Mountain Resort Association bylaws. We have a copy of the Red Mountain Resort Association bylaws and are taking them into consideration as s.13,s.16 s.13, for the Silver Star Mountain Resort Association.

We wanted to make contact with you early in our process and would appreciate any support, guidance and advice that you can provide as we move forward.

When

Tue Feb 16, 2016 2pm – 2:30pm Pacific Time - Vancouver

Where

conference call ([map](#))

Calendar

s.22

Who

- Carsen, Dannie CSCD:EX - organizer
- s.22 aator
- Bickford, Cathy CSCD:EX

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account dannie.carsen@gov.bc.ca because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

<< File: invite.ics >>

From: [Carsen, Dannie CSCD:EX](#)
To: ["Jim Godfrey"](#)
Subject: RE: Silver Star Mountain Resort Association
Date: Thursday, October 29, 2015 1:24:41 PM
Attachments: [Process to Establish a Resort Association.doc](#)

Hello Jim,

Good to hear from you. As discussed, I unearthed this process document which outlines the steps we discussed on the telephone.

As I revise my Resort Association binder, I'll continue to send you a few pieces that may be useful in pointing you down the road towards creating a resort association.

Looks like you're developing support amongst the property owners ^{s.13,s.17}
^{s.13,s.17} I look forward to guiding you as best I can.

Regards,

Dannie Carsen | Senior Program Analyst

Community Relations | Ministry of Community, Sport and Cultural Development
Direct: **250.387.2188** | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

From: Jim Godfrey ^{s.22}
Sent: Wednesday, October 28, 2015 4:40 PM
To: Carsen, Dannie CSCD:EX
Cc: Ken Derpak
Subject: Silver Star Mountain Resort Association

Hi Dannie

Thank you for taking the time to chat with me yesterday. It was greatly appreciated.

As I mentioned during our conversation, Silver Star is attempting to move forward with the creation of a 'Silver Star Mountain Resort Association'.

The process to date has included the creation of a Task Force with representation from the retail sector, non-strata hotel sector, strata hotel sector, Silver Star Property Owners Association, food and beverage sector, Silver Star Mountain Resort ownership, small

business/property owners, property owners/residents and the alternate director for the RDNO.

The Task Force, which is chaired by the property owner/resident representative, has reviewed a briefing binder that outlined some options for s.13,s.17 and has met with a representative from Tourism Sun Peaks and the CAO for the RDNO.

Subsequent to the review of the briefing binder and the meetings with the representative from the Tourism Sun Peaks and the CAO for the RDNO, the Task Force conducted a workshop and at the conclusion, decided they would like to pursue the creation of a resort association and if possible, s.13,s.16,s.17

s.13,s.17

The Resort Associations Act, the Province's Quick Reference Guide To Creating A Resort Association and the British Columbia Resort Associations Creation Checklist are currently guiding the work of the Task Force.

I appreciated your comments about the complexity of both the Whistler Resort Association and Sun Peaks Mountain Resort Association bylaws. We have a copy of the Red Mountain Resort Association bylaws and are taking them into consideration as s.13,s.16 s.13,s.1 for the Silver Star Mountain Resort Association.

We wanted to make contact with you early in our process and would appreciate any support, guidance and advice that you can provide as we move forward.

Thanks,

Jim

#	Process to Establish a Resort Association	Resp
1.	Area offers year-round recreation facilities including overnight accommodation and ski lift operations or development agreement signed with provincial government or the area is within a resort region as defined by the <i>Local Government Act</i>	Ass
2.	Local government council or board has, by resolution, approved establishment of Resort Promotion Area (Area) and the proposed bylaws of Resort Association	LG
3.	Petition to property owners in Resort Promotion Area to create proposed Resort Association	Ass LG
4.	Petition is determined be sufficient and valid by proponent (50% of landowners with 50% of assessment),and provided to local government	Ass Min
5.	Application to Minister of Community Services (Minister) for creation of Resort Promotion Area, incorporation of Resort Association, designation of Resort Land and approval of proposed first bylaws	Ass
6.	Minister's Order signed to create a Resort Promotion Area	Min
7.	Minister's Order signed that incorporates Resort Association for the Resort Promotion area and designates Resort Land	Min
8.	Minister approves first bylaws of Resort Association	Min
9.	Approved association bylaws, the associated Minister's Orders, a list of first directors and association address(es) are filed with Registrar of Companies to enable association operations	Min

Ass=Association

Min= Community Sport & Cultural Development

LG=Local Government

From: [Carsen, Dannie CSCD:EX](#)
To: [Bickford, Cathy CSCD:EX](#); [s.22](#) [Paget, Gary CSCD:EX](#)
Subject: Silver Star Resort Association
Start: Tuesday, February 16, 2016 2:00:00 PM
End: Tuesday, February 16, 2016 2:30:00 PM
Location: conference call

A conference call to discuss the work of the Silver Star Marketing Task Force and its desire to explore further details of creating a Resort Association.

Background

Silver Star is attempting to move forward with the creation of a 'Silver Star Mountain Resort Association'.

The process to date has included the creation of a Task Force with representation from the retail sector, non-strata hotel sector, strata hotel sector, Silver Star Property Owners Association, food and beverage sector, Silver Star Mountain Resort ownership, small business/property owners, property owners/residents and the alternate director for the RDNO.

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Subsequent to the review of the briefing binder and the meetings with the representative from the Tourism Sun Peaks and the CAO for the RDNO, the Task Force conducted a workshop and at the conclusion, decided they would like to pursue the creation of a resort association and if possible, **s.1**

s.13,s.16,s.17

s.13,s.17

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We wanted to make contact with you early in our process and would appreciate any support, guidance and advice that you can provide as we move forward.

From: [Carsen, Dannie CSCD:EX](#)
To: "Jim Godfrey"
Cc: [Bickford, Cathy CSCD:EX](#); [Paget, Gary CSCD:EX](#)
Subject: Silver Star Resort Association @ Tue Feb 16, 2016 2pm - 2:30pm s.22
Date: Wednesday, February 10, 2016 9:15:35 AM

Hello Jim,

Please see the call in details for next Tuesday's call below:

Conference Call Dial-in^{s.15,s.17}

Participant ID^{s.15,s.17}

Conference Participants:

*0 Operator Assistance

*2 Sub-conference with another attendee

*6 Mute/Unmute own line

Problems? Call Hope Preston at 250-387-4019 and she will work with you (and I) to resolve any technical issues with calling in.

I'm sure you're using some process information which will guide you and the Task Force in creating the new resort association. You've mentioned you already have "A Guide to British Columbia's Resort Municipality Legislation" and the checklist I developed for the Red Resort Association process. I'm happy to note you've connected up with Red Resort Association's administrator and plumbed her knowledge base for help. They have quite a good website with their amended bylaws and other information <http://tourismrossland.com/red-resort-association>.

Could you send me a short Agenda of the types of things you'd like to discuss? You could copy the phone call in information onto the top of that Agenda if you'd like. I did add the previous email as background for my colleague, Cathy Bickford, who has answered a few Resort Association questions over the last few years and will be working with me on this file. I've also added Gary Paget to the conference call as he was involved with the legislative change back in 2007.

The first thing I noted about your s.13,s.16 is that in previous discussions with our legislative counsel and the Red Resort Association, you will note that "mountain" was excised from their name. This was in part due to the legislative change in 2007 whereby the *Mountain Resort Associations Act* was amended and renamed the *Resort Associations Act*. As I know in advance we'll receive comments on the name in approval s.13,s.16

s.13,s.16

s.13

We look forward to a productive session on Tuesday.

Regards,

Dannie Carsen | Senior Program Analyst

Community Relations | Ministry of Community, Sport and Cultural Development

Direct: **250.387.2188** | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

From: Jim Godfrey [mailto:s.15]

Sent: Wednesday, February 10, 2016 8:25 AM

To: Carsen, Dannie CSCD:EX

Subject: Re: Accepted: Silver Star Resort Association @ Tue Feb 16, 2016 2pm - 2:30pm
s.22

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Sent: Tuesday, February 9, 2016 3:54 PM

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Subject: Accepted: Silver Star Resort Association @ Tue Feb 16, 2016 2pm - 2:30pm

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When: Tuesday, February 16, 2016 2:00 PM-2:30 PM (UTC-08:00) Pacific Time (US & Canada).

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The process to date has included the creation of a Task Force with representation from the retail sector, non-strata hotel sector, strata hotel sector, Silver Star Property Owners Association, food and beverage sector, Silver Star Mountain Resort ownership, small business/property owners, property owners/residents and the alternate director for the RDNO.

The Task Force, which is chaired by the property owner/resident representative, has reviewed a briefing binder that outlined some options and has met with a representative from Tourism Sun Peaks and the CAO for the RDNO.

Subsequent to the review of the briefing binder and the meetings with the representative from the Tourism Sun Peaks and the CAO for the RDNO, the Task Force conducted a workshop and at the conclusion, decided they would like to pursue the creation of a resort association and if possible, s.13,s.16,s.17

s.13,s.17

The Resort Associations Act, the Province's Quick Reference Guide To Creating A Resort Association and the British Columbia Resort Associations Creation Checklist are currently guiding the work of the Task Force.

I appreciated your comments about the complexity of both the Whistler Resort Association and Sun Peaks Mountain Resort Association bylaws. We have a copy of the Red Mountain Resort Association bylaws and are taking them into consideration s.13,s.16

s.13,s for the Silver Star Mountain Resort Association.

We wanted to make contact with you early in our process and would appreciate any support, guidance and advice that you can provide as we move forward.

When

Tue Feb 16, 2016 2pm – 2:30pm Pacific Time - Vancouver

Where

conference call ([map](#))

Calendar

s.22

- Carsen, Dannie CSCD:EX - organizer

Who

- s.22 - creator

- Bickford, Cathy CSCD:EX

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account dannie.carsen@gov.bc.ca because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

<< File: invite.ics >>

From: [Carsen, Dannie CSCD:EX](#)
To: ["Jim Godfrey"](#)
Cc: [Marotz, Nicola CSCD:EX](#); [Bickford, Cathy CSCD:EX](#)
Subject: Silver Star Resort Association Process
Date: Wednesday, March 2, 2016 12:02:06 PM

Hello Jim,

I have read over the draft materials you sent that describe the Silver Star Resort Association. I would make only a few observations on the basic technical requirements for the resort association establishment process:

1. [s.13,s.17](#)

2.

3. Petition results that show approval of the electors according to Community Charter s. 212 should be verified by your Task Force

4. [s.13,s.17](#)

Before we get to these items, the most important thing is to ensure that the Silver Star Marketing Task Force develop a good relationship with the regional district staff and officials so you are both on the same page with what you are trying to achieve with the proposed Silver Star Resort Association. Once you have that support, please let me know so we can discuss the association establishment process in a little more detail.

Regards,

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural Development

Direct: **250.387.2188** | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

s.22 **has accepted this invitation.**

Silver Star Resort Association

A conference call to discuss the work of the Silver Star Marketing Task Force and its desire to explore further details of creating a Resort Association

Background

As I mentioned during our conversation, Silver Star is attempting to move forward with the creation of a 'Silver Star Mountain Resort Association'.

The process to date has included the creation of a Task Force with representation from the retail sector, non-strata hotel sector, strata hotel sector, Silver Star Property Owners Association, food and beverage sector, Silver Star Mountain Resort ownership, small business/property owners, property owners/residents and the alternate director for the RDNO.

The Task Force, which is chaired by the property owner/resident representative, has reviewed a briefing binder that outlined some options [s.13,s.17](#) and has met with a representative from Tourism Sun Peaks and the CAO for the RDNO.

Subsequent to the review of the briefing binder and the meetings with the representative from the Tourism Sun Peaks and the CAO for the RDNO, the Task Force conducted a workshop and at the conclusion, decided they would like to pursue the creation of a resort association and if possible, [s.13,s.16,s.17](#)

[s.13,s.17](#)

The Resort Associations Act, the Province's Quick Reference Guide To Creating A Resort Association and the British Columbia Resort Associations Creation Checklist are currently guiding the work of the Task Force.

I appreciated your comments about the complexity of both the Whistler Resort Association and Sun Peaks Mountain Resort Association bylaws. We have a copy of the Red Mountain Resort Association bylaws and are taking them into consideration [s.13,s.16](#)

s.13, for the Silver Star Mountain Resort Association.

e 16

We wanted to make contact with you early in our process and would appreciate any support, guidance and advice that you can provide as we move forward.

When Tue Feb 16, 2016 2pm – 2:30pm Pacific Time - Vancouver

Where conference call ([map](#))

Calendar s.22

Who

- Carsen, Dannie CSCD:EX - organizer
- s.22 - creator
- Bickford, Cathy CSCD:EX

Invitation from [Google Calendar](#)

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<< File: invite.ics >>

From: [Jim Godfrey](#)
To: [Carsen, Dannie CSCD:EX](#)
Subject: Re: City of Vernon Involvement?
Date: Wednesday, March 23, 2016 10:31:20 AM

Hi Dannie

Ken Derpak (Silver Star Mountain Resort) has had some informal discussions with the Manager of Economic Development and Tourism for Vernon and with the Mayor of Vernon.

Once we move further along with the RDNO we will have more formal discussions with the City of Vernon. Four members of the City of Vernon Council sit on the RDNO Board and will be an important part of the RDNO Board decision making process. At this point, at the request of the RDNO CAO, we have not lobbied RDNO Board members.

Best,

Jim

On Wed, Mar 23, 2016 at 7:57 AM, Carsen, Dannie CSCD:EX <Dannie.Carsen@gov.bc.ca> wrote:

Hello Jim,

I had a query from my coworker, Cathy Bickford, [s.13,s.16](#)
[s.13,s.16](#)

Regards,

Dannie

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural
Development

Direct: [250.387.2188](tel:250.387.2188) | Fax: [250.387.7972](tel:250.387.7972) | Toll free [604-660-2421](tel:604-660-2421) in Vancouver or [1-800-663-7867](tel:1-800-663-7867)

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

From: [Carsen, Dannie CSCD:EX](#)
To: [Bickford, Cathy CSCD:EX](#)
Subject: RE: Discuss Silver Star Resort Association Petition
Date: Tuesday, March 22, 2016 3:25:20 PM
Attachments: Resort Association Sample Petition 2016.docx

Hello Cathy,

Here's the revised petition, please review and send back any comments within the document. I'll forward it to Nicola after you have another look.

s.13

Good to discuss this petition today. If you cannot make changes to the linked document, please use the attached.

Regards,

Dannie

-----Original Appointment-----

From: Bickford, Cathy CSCD:EX
Sent: Tuesday, March 22, 2016 10:18 AM
To: Carsen, Dannie CSCD:EX
Subject: Accepted: Discuss Silver Star Resort Association Petition
When: Tuesday, March 22, 2016 1:30 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: tbd

Page 095 to/à Page 096

Withheld pursuant to/removed as

s.13

From: [Carsen, Dannie CSCD:EX](#)
To: [Marotz, Nicola CSCD:EX](#)
Subject: Discuss Sample Petition for Silver Star

Nicola, I'll let you know once Cathy reviews and I make any minor changes, but it is quite complete already.

s.13

From: [Carsen, Dannie CSCD:EX](#)
To: [Marotz, Nicola CSCD:EX](#)
Subject: Discuss Sample Petition for Silver Star
Start: Wednesday, March 23, 2016 1:40:00 PM
End: Wednesday, March 23, 2016 2:00:00 PM
Location: s.15

Nicola, Cathy has made her suggestions and I've added them into the sample below. See you at 1:40 if that fits for you.

s.13

From: [Carsen, Dannie CSCD:EX](#)
To: [Marotz, Nicola CSCD:EX](#)
Subject: Discuss authority for Resolution to approve Resort Promotion Area and First Bylaws
Start: Monday, May 9, 2016 11:30:00 AM
End: Monday, May 9, 2016 12:00:00 PM
Location: s.15

s.13

From: David Sewell [mailto:david.sewell@rdno.ca]
Sent: Friday, May 6, 2016 9:37 AM
To: Carsen, Dannie CSCD:EX; Paddy Juniper
Cc: Bickford, Cathy CSCD:EX
Subject: RE: Silver Star Resort Questions and Answers

Dannie

I appreciate your reply. However, I am not sure that I was sufficiently clear in our original conversation.

My specific requirement was a determination of the voting rules for a Resort Association resolution and an explanation for why. The Section 207 of the Local Government Act refers to "A resolution or the reading, adoption, amendment or repeal of a regional district bylaw..". This is not the situation in question.

I will need to explain to my Board of Directors why this would not be treated as an Electoral Area Administration vote and consequently voted under the provisions of LGA 208 (2)(c) as the proposed resort association is within an Electoral Area.

Thanks,

David

From: Carsen, Dannie CSCD:EX [mailto:Dannie.Carsen@gov.bc.ca]
Sent: Thursday, May 05, 2016 4:34 PM
To: David Sewell <HYPERLINK "mailto:david.sewell@rdno.ca" david.sewell@rdno.ca>; Paddy Juniper <HYPERLINK "mailto:Paddy.Juniper@rdno.ca" Paddy.Juniper@rdno.ca>
Cc: Bickford, Cathy CSCD:EX <HYPERLINK "mailto:Cathy.Bickford@gov.bc.ca" Cathy.Bickford@gov.bc.ca>
Subject: Silver Star Resort Questions and Answers

Hello David and Paddy,

My apologies for the lateness of this response to your resort association questions. From our March 23rd conversation we committed to:

1. Determine voting rules for Resort Association resolution
2. Review the bylaws in advance to determine if there is any risk they are not "fair and equitable"
3. Follow up with Silver Star Resort Association Task Force to encourage them to work with NORD to resolve
 - a. draft bylaw concerns
 - b. governance and representation issues
 - c. concerns about changing from the covenant and proportion of revenue on 52% of property owners to a more comprehensive RA levy where everyone pays according to type of property, use, and square footage of commercial properties
4. Determining if property owners of multiple properties are able to petition for each parcel

Responses:

1. Voting rules for establishing a Resort Association are described in LGA s. 207 whereby there a resolution drafted to:
 - a. establish a resort promotion area, and
 - b. approve the first bylaws of the resort association.This resolution requires an unweighted corporate vote of all directors. Each director is entitled to vote, each would have one vote, and a majority is required.
2. Our only rationale for review is to determine if the bylaws are reasonably "fair and equitable". Once the bylaw revisions are finalized, and the final package of documents are submitted, we will conduct a more detailed review of the draft bylaws
3. Have followed up with Task Force and determined they have resolved many of NORD's concerns with the proposal:
 - a. removed transportation and security from resort promotion services
 - b. representation issues for residential properties were clarified by providing proportions of residential and commercial properties; managed

governance concerns by offering a seat on their board to an EA director

c. explained resort association levy structure and how it is meant to provide fairness and equity and soften the change from covenant (only half the owners paid) using proportion of revenue to a property type and use based levy on all parcels

4. Since CC s. 212 states "the petition must be signed by the owners of at least 50% of the parcels" and by "owners of parcels that in total represent at least 50% of the assessed value" owners of multiple parcels should sign once for each of their parcels. Parcels that had signed petitions would have their assessments totalled to determine if they amount to 50% of assessed values of all the parcels.

Please let me know if you have any further questions or concerns.

Regards,

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural Development

Direct: 250.387.2188 | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: [HYPERLINK "mailto:cathy.watson@gov.bc.ca"](mailto:cathy.watson@gov.bc.ca) | Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

From: [Jim Godfrey](#)
To: [Carsen, Dannie CSCD:EX](#)
Subject: Re: Sample Petition
Date: Thursday, December 15, 2016 12:37:39 PM

Thanks.

Jim

On Thursday, 15 December 2016, Carsen, Dannie CSCD:EX <Dannie.Carsen@gov.bc.ca> wrote:

Jim will try and follow up with Gary this afternoon and send you a short response.

Merry Christmas to you!

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural Development
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Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

From: Jim Godfrey [mailto:s.22]
Sent: Thursday, December 15, 2016 11:47 AM
To: Carsen, Dannie CSCD:EX
Subject: Re: Sample Petition

Hi Dannie

I wanted to take a moment and follow-up on my email of October 31.

We are beginning an intense part of our stakeholder engagement process with presentations to strata councils, the Silver Star Property Owners Association, the business community and two open houses. Some of the presentations have already occurred but we will be ramping up significantly over the Christmas period when most Silver Star property owners are available.

Perhaps the most important meeting will be our first open house, which is planned for January 21, 2017. We will be sending out a newsletter no later than January 12 and are therefore hoping to finalize our materials by January 6.

I understand how busy you are, but we are hoping we could receive advice on the petition area (resort promotion area or resort land) in time to include in our open house materials.

Best wishes to you and your family for the holiday season!

Thanks,

Jim

On Mon, Oct 31, 2016 at 4:15 PM, Carsen, Dannie CSCD:EX <Dannie.Carsen@gov.bc.ca> wrote:

Received and will review and confirm a response with Gary Paget.

From: Jim Godfrey [mailto:s.22]
Sent: Monday, October 31, 2016 4:14 PM
To: Carsen, Dannie CSCD:EX
Subject: Re: Sample Petition

Hi Dannie

Thank you for your call this morning and taking the time to chat with me last Thursday. As mentioned during our call this morning, I had prepared the email that follows for your consideration.

Jim

As requested, I am outlining in this email the matters we discussed and in doing so I am seeking your assistance as we prepare to move forward.

DRAFT PETITION WORDING

Section 6 of the sample petition states 'We the undersigned are owners of land within the **Resort Promotion Area** and we submit this Petition in favour of establishing the Name of Resort Association.' As mentioned during our discussion I was surprised that the Resort Promotion Area would define the petition area.

It had been my understanding (perhaps incorrectly) that the petition would be limited to those owners of property within the designated Resort Lands – those properties that would be subject to the resort association membership assessments. I had interpreted the reference to 'area' in Section 3(2) to refer to the specified resort land, not the Resort Promotion Area. I had thought that the petition was concerning the creation of the Resort Association not the Resort Promotion Area. After reviewing the sample petition and relooking at the Resort Associations Act it is not as clear as I thought it was.

Intuitively, you would think that the owners of land that would be subject to the membership assessments of the resort association would be the ones that would participate in the petition process. Only the owners of land within the designated Resort Land are subject to the membership assessments (unless they become members in accordance with Section 5 (2) or (3) of the Act).

Theoretically you could have a Resort Promotion Area that is significantly larger than the Resort Land area and as a consequence the owners of land within the Resort Promotion Area could have an impact on the petition-voting outcome and could even perhaps override the wishes of those owners of land within the designated Resort Lands who would be subject to the membership assessments.

Having re-read the Act several times I remain unclear as to the right interpretation and I am seeking your assistance. Section 3 (3) of the Act might help inform the interpretation – it states that 'Section 212 (*petition for local area service*) of the *Community Charter* applies to a petition under this section as far as reasonably possible and, for these purposes, the minister may make orders in relation to any matters dealt with in that section.' Section 212 (1) of the *Community Charter* states 'The persons who may petition for a local area service are the owners of parcels that would be subject to the local service tax for the service.' This concept is reinforced in Sections 212 (3) (a) and (b). Only the owners of resort land will pay a member assessment (the equivalent of a local service tax).

The Task Force will be pleased to proceed on the basis of whatever you advise.

PETITION PREPARATION ASSISTANCE

The Task Force is hoping that the Province (through the Surveyor or other means) will be able to assist with the preparation

of the petition by providing the name(s) of the individual property owner(s), property address, legal description, PID and assessed value for those properties to be included within the petition area. Additionally, if contact information has been provided by a second homeowner, which is different from his/her Silver Star address that would also be appreciated.

The petition area will include a number of properties that are owned by individuals that do not reside in Silver Star year round and may be difficult to contact. It is for this reason that the Task Force is seeking assistance with contact information for second homeowners.

Understanding the total assessed value of the properties to be included within the petition area and the assessed value of individual properties will be critical to determining the validity of the petition.

VALID PETITION

Given the ownership profile (second homeowners) in Silver Star, can you advise whether or not scanned petitions and/or electronic signatures would be considered valid?

Thank you for your assistance.

Jim

On Thu, May 19, 2016 at 11:47 AM, Carsen, Dannie CSCD:EX
<Dannie.Carsen@gov.bc.ca> wrote:

Hello Jim,

s.13

You may want to use a format similar to the following when you make your final request to the Minister to establish the resort association.

Good luck with your presentation to RDOS Board.

Regards,

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural Development
Direct: 250.387.2188 | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: Dannie.Carsen@gov.bc.ca | Website: http://www.cd.gov.bc.ca/lgd/

From: [Jim Godfrey](#)
To: [Carsen, Dannie CSCD:EX](#)
Subject: Proposed Silver Star Resort Association
Date: Tuesday, May 3, 2016 1:08:36 PM
Attachments: [Silver Star - RDNO CAO Correspondence.docx](#)
[ATT00001.htm](#)

Hi Dannie

I wanted to follow-up on our conversation of last Friday. I have attached for your information some correspondence with David Sewell, CAO for the Regional District of North Okanagan.

The first piece of correspondence is a follow-up to a meeting with David and responds to governance concerns he raised at the meeting.

The second piece of correspondence is an email from David containing a number of questions about the draft Briefing Note we had provided. The third piece of correspondence provides a response to each of the questions he raised.

If you have any questions concerning the material or if there are any further matters I can respond to at this time, please do not hesitate to contact me at your convenience.

Best,

Jim

CORRESPONDENCE WITH THE CAO OF THE REGIONAL DISTRICT OF NORTH
OKANAGAN

EMAIL TO DAVID SEWELL FROM JIM GODFREY – MARCH 11, 2016

Hi David

I wanted to thank you for taking the time to meet with Ken and I earlier this week to review the draft Briefing Note.

We appreciated your candidness in sharing the continuing RDNO governance concern related to the creation of a resort association. As we understand the governance concern, it relates to scope, political comfort and a fear that a complaint may be lodged with the RDNO and it would not be in a position to resolve it.

We hope that our continuing dialogue will be able to resolve these concerns in a way that will allow Silver Star to move forward and to continue to be the cornerstone of winter tourism for the region and an important part of the regional economy.

We have reviewed your concern about scope with the Task Force and they have agreed to remove transportation and security from the list of purposes contained in the proposed Constitution. We hope with this change, the concern relative to scope is resolved.

We would be pleased to assist where possible to help attain the political comfort that would allow us to move forward with our planned stakeholder engagement program. Task Force members can be made available at your convenience to meet with the Area C director to respond to any questions or concerns he may have. In addition, the Task Force would like to have the opportunity to meet with the RDNO Board at a Committee of the Whole Meeting to review in depth the proposed resort association and to respond to any questions the Board might have. It is hoped that this dialogue would provide the required comfort at this stage of the process.

The Task Force is sensitive to the fear that a complaint may be lodged with the RDNO and it may not be in a position to resolve it. In order to help mitigate this concern, the Task Force has proposed the resort association board of directors include one director appointed by the RDNO. The Task Force would be pleased to consider an additional appointment if you thought that would be helpful. When assessing this risk, it is hoped that the risk will be weighted against the potential benefits.

The Province, through the *Resort Associations Act* requires as one part of the approval process a valid property owner petition, which must have the support of the majority of the owners representing at least one-half of the assessed value of the parcels within the designated resort lands. This is a high test. It could be argued, that the Province in creating the *Resort Associations Act*, recognized the governance concern and accordingly created this high test.

We are looking forward to your input on the content and completeness of the Briefing Note. We want to ensure we have not made any technical errors from your perspective. Specifically, your advice on the proposed 'Resort Promotion Area', proposed 'Resort Lands' and the proposed Constitution and Bylaws content would be appreciated.

During the Task Force meeting earlier this week, it was suggested by some Task Force members that we begin to lobby RDNO directors. We shared your concerns and as a consequence the Task Force is not pursuing any lobbying at this time.

David, the Task Force is attempting to resolve concerns that have been raised by the RDNO. They would appreciate any advice you might have that would make the resort association model attractive to the RDNO at both the staff and elected level.

We look forward to continuing to work with you on this initiative and the opportunity to meet with RDNO Board at a Committee of the Whole meeting at your earliest convenience.

Jim

EMAIL TO JIM GODFREY FROM DAVID SEWELL – MARCH 18, 2016

Jim

Thanks – I hope that we can move this initiative forward as well and address / allay the concerns regarding the governance.

As I review the briefing document and look to provide information to my Board I am hoping that you could assist in providing some detail. Specific questions that I have include:

1. What does Big White do from a marketing perspective? I ask as Sun Peaks, Rossland, and Whistler are in municipalities whereas Big White is a local competitor and is located within the Regional District of Kootenay Boundary. Is it voluntary, a resort association or a charge on title similar to the existing RAM fee?

2. What is the current revenue breakdown between Residential and Commercial on the RAM fee? Are there significant differences in collectability in the classes?
3. Can you provide which areas of the Community are covered by the RAM fee and which are not?
4. Page 15 of the briefing document references maximization of non-member assessment revenues. What would those be?
5. Is the success of the Resort Association contingent on the separate approval of a Hotel Room tax? A significant portion of the budget is projected from such a tax.
6. Residential Resort Lot definition states that it is 'never offered as rental accommodation'. There was some discussions of greater than / less than 28 days. Would I read this definition to say that renting it for a single day would change the categorization?
7. Residential Lodging reads that it would include any strata title condominiums which can be rented. Would this mean that even if they weren't rented they would still be categorized as Residential Lodging?
8. Is there a limit to the number of parcels that a representative can vote for? I note that Mt Washington has a limit of being the representative of 5 members or 5 proxy votes
9. What are the Single Owner Hotels at Silver Star? Are there instances where a single owner owns more than 20 rooms but less than 100% of the rooms?
10. Is clause 2.5 whereby a member is expelled liable for past assessments only or would that also include future assessments as well?
11. Is there any maximum borrowing / assessment restrictions? Under the Local Government Act, any service created by an RD has to identify a maximum requisition amount. Is there are comparable requirement?
12. Clause 7.8(c) provides for the removal of a Director by special resolution. Would that voting be by all members or only those members of the class that elected said Director?
13. It appears that Silver Star Mountain would not be eligible to vote for the Commercial Director. I do not see such a restriction on the other classes? Am I to assume that if SSMR

owned parcels in those applicable categories, they would be eligible to vote for those Directors?

Thanks for any help you can provide in addressing these.

David

EMAIL FROM JIM GODFREY TO DAVID SEWELL – MARCH 23, 2016

Hi David

Thank you for taking the time to review the Briefing Note. I have reviewed your questions with Ken and as such the responses that follow incorporate his input.

In preparing the response to the question concerning Big White Ski Resort, Ken contacted the Senior Vice President of Marketing for Big White Ski Resort and the response to the question includes the information provided by him. As you can appreciate, Silver Star and Big White are competitors and they tend to be somewhat reserved in sharing information. Accordingly, the response to this question may not be as comprehensive as you would like.

QUESTION 1

What does Big White do from a marketing perspective? I ask as Sun Peaks, Rossland, and Whistler are in municipalities whereas Big White is a local competitor and is located within the Regional District of Kootenay Boundary. Is it voluntary, a resort association or a charge on title similar to the existing RAM fee?

ANSWER

The Senior VP of Marketing for Big White Ski Resort advised that Big White Ski Resort has primary responsibility for the marketing of the resort. He further advised that Big White owns all of the restaurants and commercial operations (some of which are leased out) and most of the buildings.

Apparently the only real commercial business they do not own is the one grocery store and although it does not contribute to the marketing, Big White controls their rent and therefore it contributes through it's rent. In addition, Big White controls approximately 600 accommodation doors – this includes all of the strata hotels and condominiums while two other companies manage single-family homes (80 and 60 respectively).

As such, the structure in Big White is distinctly different from Silver Star. The mountain operator either owns and operates or owns and leases the commercial component and controls the majority of the accommodation sector. That is not the case in Silver Star and, therefore, is likely not a good comparison.

The Sun Peaks Resort Association model might warrant a further look. Sun Peaks Resort Mountain Association (doing business as Tourism Sun Peaks) is located in the Thompson-Nicola Regional District and was created in 1996 prior to the creation of the Sun Peaks Resort Municipality. The Sun Peaks Mountain Resort Association operated for 14 years before the resort municipality of Sun Peaks was created in 2010. During that period, the first phase of a four-phase master development plan was completed and the second phase initiated.

It could be argued that the Sun Peaks model appears to more closely align with the approach the Task Force is attempting to pursue.

In reviewing options for going forward, consideration was given to the existence of the Rent Charge (RAM) on the title of a significant number properties – it is a distinguishing feature. And, it was recognized that when the Rent Charge was placed on title, a provision was included that allowed for a transition from the Rent Charge to a resort association if one was created.

QUESTION 2

What is the current revenue breakdown between Residential and Commercial on the RAM fee? Are there significant differences in collectability in the classes?

ANSWER

Residential properties (Class 1) contribute 58% of the RAM fees collected while commercial properties (Class 6) contribute 42%. If all the fees were being collected, the percentage would change to 52% residential and 48% commercial.

There does not appear to be significant differences in the collectability between the classes – it appears to be more dependent upon the individual than the property class.

It should be noted that the mountain operator has resisted becoming overly aggressive in the collection of RAM fees while this process is underway.

QUESTION 3

Can you provide which areas of the Community are covered by the RAM fee and which are not?

ANSWER

One of the challenges with RAM is that it has not been uniformly applied and this is further complicated by some differences in the legal language. Although the concept may have been good (perhaps on the high side) it has floundered through implementation.

Having said that, almost all of the Village commercial tenants have covenants and are either covered through RAM agreements or under the Rent Charge on title if a separate title exists. All of the homes in the Ridge and Alpine Meadows subdivision are included. All of the hotels including the Bulldog, Aberdeen, Vance Creek, Chilcoot, Snowbird, Silver Creek, Pinnacles and Hostel and Firelight are included.

Some properties in the Knoll and Cabin Colony and Creekside contribute through a rental management firm but do not have rent charges on title.

Approximately 505 Class 1 properties (52%) are subject to a RAM agreement or a Rent Charge on title.

QUESTION 4

Page 15 of the briefing document references maximization of non-member assessment revenues. What would those be?

ANSWER

This would include access to the Municipal and Regional District Tax, Co-op Programs and other government funding/grant programs that may come available from time to time. It would also include fees for businesses not located on resort lands or within the resort promotion area but doing business in Silver Star.

QUESTION 5

Is the success of the Resort Association contingent on the separate approval of a Hotel Room tax? A significant portion of the budget is projected from such a tax.

ANSWER

No, although the Municipal Regional District Tax would be an important revenue source and under the draft budget would account for 14% of the projected revenue, the success of the resort association is not contingent upon receiving the tax. Having said that, the Municipal Regional District Tax is used in over 50 jurisdictions throughout the Province including almost all, if not all of Silver Star's direct competitors.

If the resort association were created, it would have to go through the appropriate processes and approvals to become an eligible entity for the Municipal and Regional District Tax.

The draft budget reflects a second full year of operation given the time it would take to apply for and receive the Municipal and Regional District Tax.

QUESTION 6

Residential Resort Lot definition states that it is 'never offered as rental accommodation'. There was some discussions of greater than / less than 28 days. Would I read this definition to say that renting it for a single day would change the categorization?

ANSWER

The Task Force considered providing a number of days that an owner could rent their property before there was a change in the category and following considerable dialogue decided that if a property was offered for rent it would be included in the Residential Lodging category. The drivers behind this decision were the inability to effectively 'police' the rental period and the ability of a property to benefit from resort marketing to generate significant revenues during key periods like Christmas, spring break and Easter.

QUESTION 7

Residential Lodging reads that it would include any strata title condominiums which can be rented. Would this mean that even if they weren't rented they would still be categorized as Residential Lodging?

ANSWER

No. If the unit is not offered for rent, it is classified as a Residential Resort Lot. If it were offered for rent, it would then be classified as Residential Lodging. The test is whether or not it is offered for rent.

QUESTION 8

Is there a limit to the number of parcels that a representative can vote for? I note that Mt Washington has a limit of being the representative of 5 members or 5 proxy votes

ANSWER

No. There does not appear to be any such limitation in the Sun Peaks, Whistler or Red Mountain bylaws.

QUESTION 9

What are the Single Owner Hotels at Silver Star? Are there instances where a single owner

owns more than 20 rooms but less than 100% of the rooms?

ANSWER

The single owner hotels are the Vance Creek, Chilcoot, Bulldog and the Samesun Hostel. There are no instances where a single owner owns less than 100% of the rooms.

QUESTION 10

Is clause 2.5 whereby a member is expelled liable for past assessments only or would that also include future assessments as well?

ANSWER

An expelled member that is an Owner of a Resort Lot remains liable for past and future assessments.

QUESTION 11

Is there any maximum borrowing / assessment restrictions? Under the Local Government Act, any service created by an RD has to identify a maximum requisition amount. Is there any comparable requirement?

ANSWER

No, but the resort association is accountable to its members. It is controlled by a board of directors elected by its members and will have bylaws to govern its operations. To function successfully, it will have to rely on and respond to its membership.

The borrowing provisions are consistent with Whistler, Sun Peaks and Red Mountain bylaws.

QUESTION 12

Clause 7.8(c) provides for the removal of a Director by special resolution. Would that voting be by all members or only those members of the class that elected said Director?

ANSWER

The voting would be done by all members and would have to meet the requirements of a Special Resolution (a majority of not less than 3/4 of the votes cast by such members of the SSRA as, being entitled so to do, vote in person or by proxy at a general meeting of the SSRA).

QUESTION 13

It appears that Silver Star Mountain would not be eligible to vote for the Commercial Director. I do not see such a restriction on the other classes? Am I to assume that if SSMR

owned parcels in those applicable categories, they would be eligible to vote for those Directors?

ANSWER

Your assumption is correct.

I hope that the responses to the above questions are helpful. As mentioned in my earlier email, the Task Force would appreciate any advice you might have that would make the resort association attractive to the RDNO.

The Task Force remains anxious to have a meeting with the RDNO Board at a Committee of the Whole and are hopeful this can be arranged shortly.

Please do not hesitate to send me an email or call if you require any clarification or if I can be of any further assistance. I can be reached at 1.604.932.8808.

Best,

Jim

EMAIL FROM DAVID SEWELL TO JIM GODFREY – MARCH 25, 2016

Thanks Jim. I appreciate your efforts and will be working on moving this issue forward.

David

EMAIL FROM JIM GODFREY TO DAVID SEWELL – MARCH 29, 2016

Hi David

Thank you. If you have any further questions please do not hesitate to contact me.

Best,

Jim

From: Bickford, Cathy CSCD:EX
To: Carsen, Dannie CSCD:EX
Subject: RE: Silver Star Resort Questions and Answers
Date: Wednesday, May 18, 2016 3:15:36 PM

Hi Dannie,

s.13

Cathy

From: Carsen, Dannie CSCD:EX
Sent: Wednesday, May 18, 2016 2:10 PM
To: Bickford, Cathy CSCD:EX
Subject: Silver Star Resort Questions and Answers

Cathy, here's my comfort bullets for Sewell. If I missed any of his "concerns", please feel free to add one or two in and I'll send this off. I promised the proponent I'd get this away this week, as NORD won't set anything up for the Board to discuss this until they get this information. Thanks for your help.

Dannie

s.13

Regards,

Dannie

Dannie Carsen | Senior Program Analyst
Governance and Structure Branch | Ministry of Community, Sport and Cultural Development
Direct: 250.387.2188 | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867
Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/jgd/>

From: David Sewell [<mailto:david.sewell@rdno.ca>]
Sent: Friday, May 6, 2016 9:37 AM
To: Carsen, Dannie CSCD:EX; Paddy Juniper
Cc: Bickford, Cathy CSCD:EX
Subject: RE: Silver Star Resort Questions and Answers

Dannie

I appreciate your reply. However, I am not sure that I was sufficiently clear in our original conversation.

My specific requirement was a determination of the voting rules for a Resort Association resolution and an explanation for why. The Section 207 of the Local Government Act refers to "A resolution or the reading, adoption, amendment or repeal of a regional district bylaw..". This is not the situation in question.

I will need to explain to my Board of Directors why this would not be treated as an Electoral Area Administration vote and consequently voted under the provisions of LGA 208 (2)(c) as the proposed resort association is within an Electoral Area.

Thanks,

David

From: Carsen, Dannie CSCD:EX [<mailto:Dannie.Carsen@gov.bc.ca>]
Sent: Thursday, May 05, 2016 4:34 PM
To: David Sewell <david.sewell@rdno.ca>; Paddy Juniper <Paddy.Juniper@rdno.ca>
Cc: Bickford, Cathy CSCD:EX <Cathy.Bickford@gov.bc.ca>
Subject: Silver Star Resort Questions and Answers

Hello David and Paddy,

My apologies for the lateness of this response to your resort association questions. From our March 23rd conversation we committed to:

1. Determine voting rules for Resort Association resolution
2. Review the bylaws in advance to determine if there is any risk they are not "fair and equitable"
3. Follow up with Silver Star Resort Association Task Force to encourage them to work with NORD to resolve
 - a. draft bylaw concerns
 - b. governance and representation issues
 - c. concerns about changing from the covenant and proportion of revenue on 52% of property owners to a more comprehensive RA levy where everyone pays according to type of property, use, and square footage of commercial properties
4. Determining if property owners of multiple properties are able to petition for each parcel

Responses:

1. Voting rules for establishing a Resort Association are described in LGA s. 207 whereby there a resolution drafted to:
 - a. establish a resort promotion area, and
 - b. approve the first bylaws of the resort association.This resolution requires an unweighted corporate vote of all directors. Each director is entitled to vote, each would have one vote, and a majority is required.
2. Our only rationale for review is to determine if the bylaws are reasonably "fair and equitable". Once the bylaw revisions are finalized, and the final package of documents are submitted, we will conduct a more detailed review of the draft bylaws
3. Have followed up with Task Force and determined they have resolved many of NORD's concerns with the proposal:
 - a. removed transportation and security from resort promotion services
 - b. representation issues for residential properties were clarified by providing proportions of residential and commercial properties; managed governance concerns by offering a seat on their board to an EA director
 - c. explained resort association levy structure and how it is meant to provide fairness and equity and soften the change from covenant (only half the owners paid) using proportion of revenue to a property type and use based levy on all parcels
4. Since CC s. 212 states "the petition must be signed by the owners of at least 50% of the parcels" and by "owners of parcels that in total represent at least 50% of the assessed value" owners of multiple parcels should sign once for each of their parcels. Parcels that had signed petitions would have their assessments totalled to determine if they amount to 50% of assessed values of all the parcels.

Please let me know if you have any further questions or concerns.

Regards,

Dannie Carsen | Senior Program Analyst
Governance and Structure Branch | Ministry of Community, Sport and Cultural Development
Direct: 250.387.2188 | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867
Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/jgd/>

From: [Carsen, Dannie CSCD:EX](#)
To: ["david.sewell@rdno.ca"](mailto:david.sewell@rdno.ca)
Cc: [Bickford, Cathy CSCD:EX](#); [Dann, Michelle CSCD:EX](#)
Subject: FW: Silver Star Resort Questions and Answers
Date: Wednesday, May 18, 2016 3:38:23 PM

Hello David,

Resort Associations are more like marketing associations that are primarily involved in resort promotion rather than providing essential services. Please see my characterization of our experiences with resort associations that I hope will assist you with providing information to your Board.

- Resort association proponents consult with property owners in advance of bringing a proposal to municipal council or regional district board to determine if there is reasonable support for the proposal among the property owners and commercial operators.

- s.13

s.13 (requirements of s. 212 of Community Charter).

- The Minister requires a sufficient Petition for the Resort Association before Ministerial approval of the association bylaws is provided (determine fairness and equity) and before a resort association is established.

- s.13,s.16

s.13,s.16

I understand the Silver Star Task Force has offered representation to a NORD director or employee to keep the regional district informed about resort association activities.

- s.13,s.16

- If there were major conflicts among association members unable to be resolved the directors of the society could vote to dissolve. Or if the promotion services were no longer needed the Society is able to be dissolves and net assets could be distributed amongst members.
- Resort promotion provided by a resort association are optional activities rather than essential local government services, thus there would be no obligation on the part of the regional district to undertake or continue the resort promotion if the association failed.

You've also asked for an explanation as to why regional district board approval is not treated as an Electoral Area Administration vote. Section 208 (2)(c) of the LGA refers to "resolutions and bylaws **establishing services** for which no establishing bylaw is required". Having consulted further with senior Ministry staff it was determined that s. 208(2)(c) does not apply as it is the approval of the board under the general voting rules for a resolution that approves the establishment of the resort promotion area and a separate resolution that approves the first bylaws of the resort association. Section 2 (b)(ii) of the *Resort Associations Act*, refers to a requirement for establishment of a resort promotion area: "establishment of the resort promotion area has been **approved by the board** of all the regional districts in which any part of the area is located, if the part is not in a municipality." Also, s. 3 (5)(a) of the *Resort Associations Act*, has a requirement for "The first bylaws of an association must be approved by the minister and the council of the municipality in which the

resort promotion area is located or, in the absence of a municipality, by the board of the regional district in which the resort promotion area is located". In both cases, approval is required by the board of the regional district.

The voting rules under Section 207 of the LGA (unweighted corporate vote) would apply to the establishment and approval of the bylaws for a resort association:

General Rules voting on resolutions or bylaws

"A resolution or the reading, adoption, amendment or repeal of a regional district bylaw must be decided by:

- (a) A majority of the votes cast, and
- (b) Voting in accordance with this Division."

I hope this is helpful. Please let me know if this will provide you the appropriate information to supply to your board.

Regards,

Dannie

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural Development

Direct: **250.387.2188** | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

From: David Sewell [<mailto:david.sewell@rdno.ca>]

Sent: Friday, May 6, 2016 9:37 AM

To: Carsen, Dannie CSCD:EX; Paddy Juniper

Cc: Bickford, Cathy CSCD:EX

Subject: RE: Silver Star Resort Questions and Answers

Dannie

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I will need to explain to my Board of Directors why this would not be treated as an Electoral Area Administration vote and consequently voted under the provisions of LGA 208 (2)(c) as the proposed resort association is within an Electoral Area.

Thanks,

David

From: Carsen, Dannie CSCD:EX [<mailto:Dannie.Carsen@gov.bc.ca>]

Sent: Thursday, May 05, 2016 4:34 PM

To: David Sewell <david.sewell@rdno.ca>; Paddy Juniper <Paddy.Juniper@rdno.ca>

Cc: Bickford, Cathy CSCD:EX <Cathy.Bickford@gov.bc.ca>

Subject: Silver Star Resort Questions and Answers

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 - c. concerns about changing from the covenant and proportion of revenue on 52% of property owners to a more comprehensive RA levy where everyone pays according to type of property, use, and square footage of commercial properties
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Please let me know if you have any further questions or concerns.

Regards,

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural Development

Direct: **250.387.2188** | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

From: [Carsen, Dannie CSCD:EX](#)
To: ["Jim Godfrey"](#)
Subject: Sample Petition
Date: Thursday, May 19, 2016 11:47:27 AM
Attachments: [Sample RA Petition 2016.docx](#)
[Revised Resort Association Request to Minister 2016.docx](#)

Hello Jim,

s.13

You may want to use a format similar to the following when you make your final request to the Minister to establish the resort association.

Good luck with your presentation to RDOS Board.

Regards,

Dannie Carsen | Senior Program Analyst

Governance and Structure Branch | Ministry of Community, Sport and Cultural Development

Direct: **250.387.2188** | Fax: 250.387.7972 | Toll free 604-660-2421 in Vancouver or 1-800-663-7867

Email: Dannie.Carsen@gov.bc.ca | Website: <http://www.cd.gov.bc.ca/lgd/>

PETITION
For Establishment of the *Name of Resort Association*

(Date)

To: The Minister of Community, Sport and Cultural Development

1. Pursuant to section 3(2) of the *Resort Associations Act* we petition the Minister of Community, Sport and Cultural Development to create a Resort Association to promote, facilitate and encourage the development, maintenance and operation of the Resort Promotion Area as further described in this Petition.
2. The boundaries of the Resort Promotion Area are outlined in the map attached to this Petition as Schedule 1.
3. The activities to promote, facilitate and encourage the development, maintenance and operation of the Resort Promotion Area include:
 - a.
 - b.
 - c.
 - d.
 - e.
4. If the Resort Association is established, each member of the Resort Association will be required to pay the levies described in the bylaws of the Association.

Levies on Members

e.g., Fees based on type, use and/or size of property, should include amount and frequency of payment plus default provisions as described in the proposed Resort Association bylaws.

5. The boundaries of the Resort Land are outlined in the map attached to this Petition as Schedule 2.

6. We the undersigned are owners of land within the Resort Promotion Area and we submit this Petition in favour of establishing the Name of Resort Association.

Property Address _____

Legal Description _____ PID _____

Name of Property Owner

Signature of Property Owner

Date

Name of Property Owner

Signature of Property Owner

Date

Name of Property Owner

Signature of Property Owner

Date

Name of Property Owner

Signature of Property Owner

Date

NOTE: If there are two or more owners of properties, all owners should be listed and a majority of owners must sign.

Request To Establish a Resort Association

(Date)

To: The Minister of Community, Sport and Cultural Development

WHEREAS:

1. The *Resort Associations Act* provides a mechanism for incorporating a Resort Association (Association) for the purpose of promoting, facilitating and encouraging the development, maintenance and operation of a resort promotion area;
2. The (name of resort) offers alpine ski lift operations, year-round recreation facilities and commercial overnight accommodation **or** there is a development agreement signed with the provincial government to provide alpine ski lift operations, year-round recreation facilities and overnight accommodation as above **or** the area is within a Resort Region as defined by the *Local Government Act*;
3. The establishment of the proposed (name of resort) Resort Promotion Area has been approved by the council of the municipality or board of the regional district, if the resort promotion area is not within a municipality.
4. The process for incorporating an Association includes:
 - a. Approval of landowners in the proposed Resort Promotion Area of the proposed Resort Association according to section 212 of the *Community Charter*;
 - b. Approval of the council of the municipality or board of the regional district, if the resort promotion area is not within a municipality, of the first bylaws of the proposed Resort Association;
 - c. Application to the Minister of Community, Sport and Cultural Development (Minister) to establish a Resort Promotion Area;
 - d. Approval of the Minister of the first bylaws of the proposed Resort Association;
 - e. Application to the Minister to specify land within the proposed Resort Promotion Area as Resort Land and to incorporate a Resort Association;
and
 - f. Filing the Minister's Order, the Association bylaws, a list of first directors of the Association, and the address of the Association with the Registrar of Companies.

NOW THEREFORE IT IS REQUESTED THAT:

1. The area outlined on the map attached to this petition as Schedule A be designated by the Minister as a Resort Promotion Area;
2. The area outlined on the map attached to this petition as Schedule B be designated by the Minister as Resort Land and;
3. That the Minister approve incorporation of an Association under the name (name of Association) and approve the first bylaws of the (name of Association) in the form attached to this petition as Schedule C.

The first directors of the Association are:

(name and address)
(name and address)
(name and address)
(name and address)
(name and address)
(name and address)
(name and address)
(name and address)
(name and address)
(name and address)
(name and address)

The registered and records address of the Association is (address).

From: [Carsen, Dannie CSCD:EX](#)
To: [CSCD LG Governance CSCD:EX](#)
Subject: Personal Information on Silver Star RA
Date: Tuesday, January 3, 2017 2:41:04 PM

Done.

From: CSCD LG Governance CSCD:EX
Sent: Tuesday, January 3, 2017 1:16 PM
To: Carsen, Dannie CSCD:EX
Subject: FW: Phone Message

Hi Dannie,

I think you are our resident expert on this. Could you give Personal Information a call?

Best,

Arielle

From: Somers, Stephanie CSCD:EX
Sent: Tuesday, January 3, 2017 1:04 PM
To: CSCD LG Governance CSCD:EX
Subject: Phone Message

Hello,

I returned from lunch to a voicemail from Personal Information He is looking for a CSCD contact with expertise/background in Resort Associations. His number is Personal Information If someone in our area has that expertise could you please call him back? If not, can someone please refer them to the right person so he can get a call back from them?

Thanks,

Stephanie Somers

Program Administrator and Office Manager
Governance and Structure Branch | Local Government Division
Ministry of Community, Sport and Cultural Development
Phone: 250-387-4022 | Fax: 250-387-7972 | Email: Stephanie.Somers@gov.bc.ca

 Please consider the environment before printing this email

Page 126 to/à Page 158

Withheld pursuant to/removed as

s.14;s.13