

From: Hunter, Bill FLNR-EX
To: Mueller, Brent MAH-EX; Meeks, Tori FLNR-EX; Matlock, Amber TAC-EX; Buechl, Dawn TAC-EX; Hilton, Peter IRR-EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 7, 2020 11:24:51 AM
Attachments: image001.png
image003.png

Hi Brent,

Thanks for providing this notification and for keeping us apprised throughout the process.

As you are aware, the Mountain Resorts Branch of FLNRORD is the delegated decision maker for the Silver Star Mountain Resort Master Development Agreement and related *Land Act* and *Forest Act* authorizations that stem from this overarching agreement. The Mountain Resorts Branch does not have a role in resort marketing but recognizes its critical function for the success of the resort and supports a local governance model aligned with the Master Plan and Master Development Agreement.

Our office does not have any concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort.

Kind regards,
Bill

Bill Hunter | Director of Mountain Resorts Branch

Ministry of Forests, Lands and Natural Resource Operations and Rural Development
510 – 175 Second Avenue, Kamloops, BC V2C 5W1
Phone: 250-371-3936 | Fax: 250-371-3942

From: Mueller, Brent MAH-EX
Sent: February 6, 2020 5:41 PM
To: Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Matlock, Amber TAC-EX; Rueckl, Dawn TAC-EX; Hilton, Peter IRR-EX
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi there – as I have mentioned in my phone calls, our Minister has a pending decision on whether or not to establish a *Resort Association* for the Silver Star Resort (background information below).

Before making a decision, our Minister would like to make sure that the **FLNRORD** (Mountain Resort Branch), **MIRR** and **Tourism** have all been provided with advance notice.

The purpose of this message is to share that we are moving to decision within the next couple of weeks. If established, the Silver Star Resort Association would be a locally run organization that would levy member fees for resort marketing and promotion. This tool is enabled under Provincial legislation (*Resort Association Act*, *Community Charter*, *Societies Act*) with the intent to support tourism.

I am hoping to received acknowledgement of this notice and any comments by the end of next week, Friday February 14th, after which I anticipate we will be moving forward to a decision.

Please let me know if you have any questions or require additional information.

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220

Silver Star Resort Association Proposal

Summary

- For the past few years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The Task Force submitted to proposal to the Ministry in late February 2019. <https://www.lovesilverstar.com/>
 - To review proposal to Minister: https://26f6b6ec-2869-4545-8d28-d0a1e3e2902f.filesusr.com/ugd/eebac7_f92b27a45c70492b8ebd8c0fb2ad670f4.pdf
- Resort Associations are enabled under provincial legislation to help promote resort use in support of tourism.
- The Minister's role is to ensure the statutory conditions have been met prior to approving a proposal.
- For the past several months Ministry staff have been reviewing the proposal; seeking legal advice; and have carried out consultation with First Nations, in coordination with the Mountain Resort Branch.
- The matter is now before the Minister for decision.

Background

Provincial Interest

- There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.
- Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.
- British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

Resort Associations

- Resort associations are incorporated societies (i.e. not-for-profit) established for resort promotion.
- They collect levies from members (property owners) from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes.
- The last resort association established in the province was Red Resort in 2007. Other resort associations exist in Whistler (1979) and Sun Peaks (1996).

Silver Star Resort and the Proposal Resort Association

- Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon.
- The Resort is an important part of the north Okanagan regional economy, with over 1,500 employees and 500,000 visitors annually.
- They currently have a "Resort Association" fee not charged to all rental/commercial properties which the task force believes is an inadequate marketing tool.
- The proposed Silver Star Resort Association (SSRA), on an annual basis, would levy rental/commercial properties to create a budget for marketing and promotion activities.
 - Specifically SSRA would focus on: "Marketing and sales; research; communications; special event planning and execution; and advocating on behalf of the community."
- In developing their proposal, the Task Force: engaged directly with First Nations; made presentations to community groups and strata councils; held workshops and presentations to the Silver Star Property Owner Association; held three open houses in January, February and April 2017; undertook a community survey, and shared results; released 10 Newsletters from Spring 2016 to Spring 2018; and launched a website that included many of the engagement materials. The Task Force also made presentation to the regional district.

Statutory Conditions under Resort Association Act

- Before a proposal can be forwarded to the Minister these conditions must be met:
 - Proposal has to be for an area offering ski lift operations, year-round recreation and overnight accommodation – *Silver Star has these features ✓*
 - Local government has to approve – *Regional District of North Okanagan approved proposed maps and bylaws on February 21, 2018. ✓*
 - And a petition must be signed by 50% of property owners representing 50% of the tax base – *verified petition results from December 21, 2019 were 53.2% and 56.4% respectively ✓*

First Nations Consultation

- The proponent engaged directly with First Nations in the area **s.13; s.16**
- The file from the proponent includes a letter of support from the Splatina First Nation.

*** s.13; s.14; s.16**

- There was follow-up with the OKIB as they advised no principle objections **s.13; s.14; s.16**

*** s.13; s.14; s.16**

- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

[illegible]

Annex 1

1. In the past year, the Slave Historical Trust (Slave Trust) has been looking to establish a relationship with the Slave Trust community at Slave Trust Museum in the Regional District of Northern BC (RDNB). The Trust has submitted a proposal to the Museum in late January 2018 (<https://www.slavetrust.com/>)

2. To review proposal to Museum (<https://www.slavetrust.com/>)

3. Research has been completed to establish a relationship with the Slave Trust community at Slave Trust Museum in the Regional District of Northern BC (RDNB). The Trust has submitted a proposal to the Museum in late January 2018 (<https://www.slavetrust.com/>)

4. The Museum's role is to ensure the community continues to have a role in the development of the Slave Trust Museum in the Regional District of Northern BC (RDNB). The Trust has submitted a proposal to the Museum in late January 2018 (<https://www.slavetrust.com/>)

5. For the past several years, the Museum has been reviewing the proposal, seeking legal advice, and have carried out consultation with First Nations, in partnership with the Museum Research Board.

6. The Museum's role is to ensure the community continues to have a role in the development of the Slave Trust Museum in the Regional District of Northern BC (RDNB). The Trust has submitted a proposal to the Museum in late January 2018 (<https://www.slavetrust.com/>)

Business Interest

- There is a general provincial interest in building a strong, sustainable economy. This includes tourism, an important part of which is BC's world class of peace destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.
- Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.
- British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

• Before a proposal can be forwarded to the Minister these conditions must be met:

- Proposed has to be for an area offering all lift operations, year round recreation and overnight accommodation – *Silver Star has these features* ✓
- Local government has to approve – *Regional District of North Okanagan approved proposed maps and bylaws on February 21, 2018.* ✓

From: [Krishna, Kaye MAH:EX](#)
To: [Allan, John FLNR:EX](#); [Brouwer, Shauna TAC:EX](#); [Caul, Doug D IRR:EX](#)
Cc: [Mueller, Brent MAH:EX](#); [Faganello, Tara MAH:EX](#); [Gedney, Vanessa R MAH:EX](#)
Subject: FYI: Pending Decision - Proposed Silver Star Resort Association
Date: February 12, 2020 10:24:45 AM
Attachments: Proposed_Silver Star RA_Backgrounder for DMS_Feb 2020.docx

Colleagues,

For your information, I am reaching out to provide notice that Minister of Municipal Affairs and Housing, Honorable Selina Robinson,^{s.13}

s.13

s.13

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To that end, MAH staff have already been in touch with your

respective staff:

- FLNRORD (Mountain Resort Branch) – *Bill Hunter, Director, Director of Mountain Operations*
- MIRR (regional operations) – *Peter Hilton, Regional Manager, Negotiations and Regional Operations Division*
- Ministry of Tourism, Arts & Culture (tourism) – *Dawn Rueckl, Manager, Tourism Policy & Programs*

s.13

If you have any questions or require additional information please let me know or follow-up directly with Brent Mueller, Director, Governance Relations, Local Government Division,
Brent.Mueller@gov.bc.ca; 778-698-3220.

Sincerely,

Kaye

KAYE KRISHNA

Deputy Minister

Ministry of Municipal Affairs and Housing
6th Floor, 800 Johnson St | Victoria BC V8W 9N7
Office: 250.387.9108 | Fax: 250.387.7973

BACKGROUNDER
Ministry of Municipal Affairs and Housing

Silver Star Resort Association Proposal

Summary

- For the past few years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The Task Force submitted to proposal to the Ministry in late February 2019. <https://www.ilovesilverstar.com/>
 - To review proposal to Minister: https://26f6b6ec-2869-4545-8d28-d0a1e3e2902f.filesusr.com/ugd/bebac7_f92b27a45c70492bbebdb0fb2ad670f4.pdf
- Resort Associations are enabled under provincial legislation for resort promotion in support of tourism.
- The role of the Ministry of Municipal Affairs and Housing is to ensure the statutory conditions have been met prior to approving a proposal.
- Ministry staff have reviewed the proposal; sought legal advice; and have carried out consultation with First Nations, in coordination with the Mountain Resort Branch.
- The matter is now before the Minister for decision.

Background

Provincial Interest

- There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.
- BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure on Crown land.
- British Columbia has a long history of supporting the development of resort communities through specialized local governance models, including enabling the establishment of resort associations, for promotion and marketing.

Resort Associations

- Resort associations are incorporated societies (i.e. not-for-profit) established for resort promotion.
- They collect levies from members (property owners) from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes.
- The last resort association established in the province was Red Resort in 2007. Other resort associations exist in Whistler (1979) and Sun Peaks (1996).

Silver Star Resort and the Proposal Resort Association

- Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon.

BACKGROUNDER – Silver Star Resort Association Proposal

- The Resort is an important part of the north Okanagan regional economy, with over 1,500 employees and 500,000 visitors annually.
- They currently have a “Resort Association” fee not charged to all rental/commercial properties which the task force believes is an inadequate marketing tool.
- The proposed Silver Start Resort Association (SSRA), on an annual basis, would levy rental/commercial properties to create a budget for marketing and promotion activities.
 - Specifically, SSRA would focus on: “*Marketing and sales; research; communications; special event planning and execution; and advocating on behalf of the community.*”
- In developing their proposal, the Task Force: engaged directly with First Nations; made presentations to community groups and strata councils; held workshops and presentations to the Silver Star Property Owner Association; held three open houses in January, February and April 2017; undertook a community survey, and shared results; released 10 Newsletters from Spring 2016 to Spring 2018; and launched a website that included many of the engagement materials. The Task Force also made presentation to the regional district.
- During the process, Ministry staff have received and responded to letters of support and concern regarding the proposal.

Statutory Conditions under Resort Association Act

- Before a proposal can be forwarded to the Minister these conditions must be met:
 - Proposal has to be for an area offering ski lift operations, year-round recreation and overnight accommodation – ***Silver Star has these features ✓***
 - Local government has to approve – ***Regional District of North Okanagan approved proposed maps and bylaws on February 21, 2018. ✓***
 - And a petition must be signed by 50% of property owners representing 50% of the tax base – ***verified petition results from December 21, 2019 were 53.2% and 56.4% respectively ✓***

First Nations Consultation

- The proponent engaged directly with First Nations in the area s.13; s.16 s.13; s.16
- The file from the proponent includes a letter of support from the Splatshin First Nation.
- s.13; s.14; s.16
- There was follow-up with the OKIB as they advised no principle objections s.13; s.14; s.16 s.13; s.14; s.16
-
- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

Contact: Brent Mueller, Director, Governance Relations, Local Government Division
Ministry of Municipal Affairs and Housing; Brent.Mueller@gov.bc.ca; 778-698-3220.

From: Rueckl, Dawn TAC-EX
To: Mueller, Brent MAH-EX; Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Mattock, Amber TAC-EX; Hilton, Peter IRR-EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 13, 2020 3:59:43 PM
Attachments: image001.png

Hi Brent

We have no concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort. Our Minister Lisa Beare is aware and supportive of the decision.

Thanks,

Dawn Rueckl

Manager, Tourism Policy & Programs

Tourism Branch

Ministry of Tourism, Arts and Culture (TAC)

Tel: 778.698.1802

Cell: 778.678.7350

From: Mueller, Brent MAH-EX

Sent: February 6, 2020 5:41 PM

To: Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Mattock, Amber TAC-EX; Rueckl, Dawn TAC-EX; Hilton, Peter IRR-EX

Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi there – as I have mentioned in my phone calls, our Minister has a pending decision on whether or not to establish a Resort Association for the Silver Star Resort (background information below).

Before making a decision, our Minister would like to make sure that the **FLNRD** (Mountain Resort Branch), **MIRB** and **Tourism** have all been provided with advance notice.

The purpose of this message is to share that we are moving to decision within the next couple of weeks. If established, the Silver Star Resort Association would be a locally run organization that would levy member fees for resort marketing and promotion. This tool is enabled under Provincial legislation (*Resort Association Act, Community Charter, Societies Act*) with the intent to support tourism.

I am hoping to received acknowledgement of this notice and any comments by the end of next week, Friday February 14th, after which I anticipate we will be moving forward to a decision.

Please let me know if you have any questions or require additional information.

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch

Ministry of Municipal Affairs and Housing

Province of British Columbia

(778) 698-3220

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Provincial Interest

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Silver Star Resort and the Proposal Resort Association

- Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon.
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Statutory Conditions under Resort Association Act

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 - Local government has to approve – **Regional District of North Okanagan approved proposed maps and bylaws on February 21, 2018.** ✓
 - And a petition must be signed by 50% of property owners representing 50% of the tax base – **verified petition results from December 21, 2019 were 53.2% and 56.4% respectively** ✓

First Nations Consultation

- The proponent engaged directly with First Nations in the area **s.12; s.16**
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s.13; s.14; s.16

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s.13; s.14; s.16

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From: Mueller, Brent MAH-EX
To: Rueckl, Dawn TAC-EX; Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Mattock, Amber TAC-EX; Hilton, Peter IRR-EX
Bcc: Kristina, Krysta MAH-EX; Faganello, Tara MAH-EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 13, 2020 3:11:48 PM
Attachments: image002.png

Thanks Dawn – good to hear. Appreciate the response back. Cheers ~ Brent

From: Rueckl, Dawn TAC-EX
Sent: February 13, 2020 3:10 PM
To: Mueller, Brent MAH-EX; Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Mattock, Amber TAC-EX; Hilton, Peter IRR-EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Hi Brent

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Thanks,
Dawn Rueckl
Manager, Tourism Policy & Programs
Tourism Branch
Ministry of Tourism, Arts and Culture (TAC)
Tel: 778.698.1802
Cell: 778.678.7350

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To: Hunter, Bill FLNR-EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR-EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC-EX <Amber.Mattock@gov.bc.ca>; Rueckl, Dawn TAC-EX <Dawn.Rueckl@gov.bc.ca>; Hilton, Peter IRR-EX <Peter.Hilton@gov.bc.ca>

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Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
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(778) 698-3220

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- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

From: Krishna, Kaye MAH:EX
To: Faganello, Tara MAH:EX
Cc: Gedney, Vanessa R MAH:EX; Subcinovski, Carole MAH:EX; Boudrie, Amy MAH:EX; Wilkins, Christina MAH:EX; Mueller, Brent MAH:EX
Subject: Re: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 19, 2020 2:29:53 PM
Attachments: image001.png

All clear to move ahead without feedback

Sent from my iPhone

On Feb 19, 2020, at 12:49 PM, Faganello, Tara MAH:EX wrote:

Hi Kaye,
Per below, did you receive any feedback from DMs?

From: Mueller, Brent MAH:EX
Sent: February 19, 2020 12:19 PM
To: Faganello, Tara MAH:EX
Cc: Wilkins, Christina MAH:EX; Edmondson, Marijke MAH:EX
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Hi Tara – for program level contacts, everyone is in the know that a decision is pending (MIRR, MFLNRD, and MTAC). So unless Kaye has heard anything from DMs (we asked for comments by last Friday) I think we are good to go. For next steps – if the Minister approves, we could get the MO to sign the BN, and the orders, and send the package back to program staff (my team). If she does not approve we need the BN back as a record of her decision. Either way, from there we can communicate as follows:

- Program area (Director level signature):
 - Proponent – conveyance letter or regret letter with package
 - RD – information letter
 - First Nations – information letter.
- GCPE
 - Members of the public and other stakeholders will be covered by a news bulletin

Cheers ~ Brent

From: Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>
Sent: February 19, 2020 9:26 AM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Cc: Wilkins, Christina MAH:EX <Christina.Wilkins@gov.bc.ca>; Edmondson, Marijke MAH:EX <Marijke.Edmondson@gov.bc.ca>
Subject: RE: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Hi Brent,

So does this confirm/conclude all the feedback we were supposed to get? The MO is asking if we are good to go?

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Sent: February 13, 2020 3:14 PM
To: Krishna, Kaye MAH:EX <Kaye.Krishna@gov.bc.ca>; Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>
Cc: Gedney, Vanessa R MAH:EX <Vanessa.Gedney@gov.bc.ca>
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Along with TAC, MIRR and FLNRD (staff level) are all in the know and supportive

From: Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>
Sent: February 13, 2020 3:07 PM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Cc: Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
See below.

From: Avison, Claire TAC:EX <Claire.Avison@gov.bc.ca>
Sent: February 13, 2020 2:59 PM
To: Shang, Cindy TAC:EX <Cindy.Shang@gov.bc.ca>; Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Subject: RE: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
MLB supports and has already communicated to MSR. Thanks for flagging.
Claire Avison | Assistant Deputy Minister | Ministry of Tourism Arts and Culture | Cell: 250-217-9059 | claire.avison@gov.bc.ca

From: Shang, Cindy TAC:EX
Sent: February 7, 2020 2:20 PM
To: Avison, Claire TAC:EX
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Importance: High
For you to share with Shauna – Amber wants to make sure both you and Shauna are supportive of the proposed assessment.

From: Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Sent: February 7, 2020 1:29 PM
To: Shang, Cindy TAC:EX <Cindy.Shang@gov.bc.ca>
Cc: Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>
Subject: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Importance: High

Cindy,
I just wanted to flag the email below for Claire and Shauna. The Ministry of Municipal Affairs is putting forward a recommendation to establish a Resort Association for Silver Star Resort. They are seeking TAC's acknowledgement of this notice, before Friday next week.

We've reviewed and have no concerns with the proposal. Can you confirm Claire and Shauna are supportive of this assessment before we respond.

Essentially the proposal once approved, will allow the resort to begin collecting levies from accommodation properties so they can establish a resort based DMO (like Tourism Whistler or Tourism Sunpeaks) to assist in marketing the resort. It is not tied to the Resort Municipality Initiative.

Thanks,
Amber

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Sent: February 6, 2020 5:41 PM
To: Hunter, Bill FLNR:EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Hilton, Peter IRR:EX <Peter.Hilton@gov.bc.ca>
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi there – as I have mentioned in my phone calls, our Minister has a pending decision on whether or not to establish a Resort Association for the Silver Star Resort (background information below). Before making a decision, our Minister would like to make sure that the FLNRD (Mountain Resort Branch), MIRR and Tourism have all been provided with advance notice.

The purpose of this message is to share that we are moving to decision within the next couple of weeks. If established, the Silver Star Resort Association would be a locally run organization that would levy member fees for resort marketing and promotion. This tool is enabled under Provincial legislation (Resort Association Act, Community Charter, Societies Act) with the intent to support tourism.

I am hoping to received acknowledgement of this notice and any comments by the end of next week, Friday February 14th, after which I anticipate we will be moving forward to a decision.

Please let me know if you have any questions or require additional information.

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220
<!--[if vml]--> <!--[endif]-->

Silver Star Resort Association Proposal

Summary

- For the past few years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The Task Force submitted to proposal to the Ministry in late February 2019. <https://www.ilovesilverstar.com/>
 - To review proposal to Minister: https://26f6b6ec-2869-4545-8d28-d0a1e3e2902f.filesusr.com/ugd/bebac7_f92b27a45c70492b6ebdb0fb2ad670f4.pdf
- Resort Associations are enabled under provincial legislation to help promote resort use in support of tourism.
- The Minister's role is to ensure the statutory conditions have been met prior to approving a proposal.
- For the past several months Ministry staff have been reviewing the proposal; seeking legal advice; and have carried out consultation with First Nations, in coordination with the Mountain Resort Branch.
- The matter is now before the Minister for decision.

Background

Provincial Interest

- There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.
- Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.
- British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

Resort Associations

- Resort associations are incorporated societies (i.e. not-for-profit) established for resort promotion.
- They collect levies from members (property owners) from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes.
- The last resort association established in the province was Red Resort in 2007. Other resort associations exist in Whistler (1979) and Sun Peaks (1996).

Silver Star Resort and the Proposal Resort Association

- Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon.
- The Resort is an important part of the north Okanagan regional economy, with over 1,500 employees and 500,000 visitors annually.
- They currently have a "Resort Association" fee not charged to all rental/commercial properties which the task force believes is an inadequate marketing tool.
- The proposed Silver Star Resort Association (SSRA), on an annual basis, would levy rental/commercial properties to create a budget for marketing and promotion activities.
 - Specifically SSRA would focus on: "Marketing and sales; research; communications; special event planning and execution; and advocating on behalf of the community."
- In developing their proposal, the Task Force: engaged directly with First Nations; made presentations to community groups and strata councils; held workshops and presentations to the Silver Star Property Owner Association; held three open houses in January, February and April 2017; undertook a community survey, and shared results; released 10 Newsletters from Spring 2016 to Spring 2018; and launched a website that included many of the engagement materials. The Task Force also made presentation to the regional district.

Statutory Conditions under Resort Association Act

- Before a proposal can be forwarded to the Minister these conditions must be met:
 - Proposal has to be for an area offering ski lift operations, year-round recreation and overnight accommodation – *Silver Star has these features ✓*
 - Local government has to approve – *Regional District of North Okanagan approved proposed maps and bylaws on February 21, 2018. ✓*
 - And a petition must be signed by 50% of property owners representing 50% of the tax base – *verified petition results from December 21, 2019 were 53.2% and 56.4% respectively ✓*

First Nations Consultation

- The proponent engaged directly with First Nations in the area **s.12; s.16**
- The file from the proponent includes a letter of support from the Splatine First Nation.
- *s.13; s.14; s.16**
- There was follow-up with the OKIB as they advised no principle objections to **s.13; s.14; s.16**
- *s.13; s.14; s.16**
- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

From: [Mueller, Brent MAH:EX](#)
To: [Faganello, Tara MAH:EX](#)
Cc: [Gedney, Vanessa R MAH:EX](#); [Kubisheski, Carlee MAH:EX](#); [Andrade, Ana MAH:EX](#); [Wilkins, Christina MAH:EX](#)
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 20, 2020 2:10:18 PM
Attachments: RE CONFIDENTIAL - Notice re Pending Decision - Proposed Silver Star Resort Association.msg
RE CONFIDENTIAL - Notice re Pending Decision - Proposed Silver Star Resort Association.msg
RE CONFIDENTIAL - Notice re Pending Decision - Proposed Silver Star Resort Association.msg

Hi Tara – please see attached confirmations from Ministry contacts I reached out to.

No objections raised.

You will see in my email to key contacts that I included a backgrounder and links to the proponents website and to the package they provided to the Minister which as been available online for sometime now.

Comments back from agencies, summarized as follows:

MFLNRORD, Bill Hunter, Director, Director of Mountain Operations: *"Thanks for providing this notification and for keeping us apprised throughout the process. As you are aware, the Mountain Resorts Branch of FLNRORD is the delegated decision maker for the Silver Star Mountain Resort Master Development Agreement and related Land Act and Forest Act authorizations that stem from this overarching agreement. The Mountain Resorts Branch does not have a role in resort marketing but recognizes its critical function for the success of the resort and supports a local governance model aligned with the Master Plan and Master Development Agreement. Our office does not have any concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort."*

MIRR, Peter Hilton, Regional Manager, Negotiations and Regional Operations Division: *"Thanks for this, and thanks for the phone message. Looks good."*

MTAC, Dawn Rueckl, Manager, Tourism Policy & Programs, Tourism Branch: *"...We have no concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort. Our Minister Lisa Beare is aware and supportive of the decision."*

Cheers ~ Brent

From: Faganello, Tara MAH:EX
Sent: February 20, 2020 1:35 PM
To: Mueller, Brent MAH:EX
Cc: Gedney, Vanessa R MAH:EX ; Kubisheski, Carlee MAH:EX ; Andrade, Ana MAH:EX ; Wilkins, Christina MAH:EX
Subject: Re: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Brent just clarifying that our reach out to ministry contacts s.13

s.13

s.13

s.13

Sent from my iPhone

On Feb 20, 2020, at 9:35 AM, Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca> wrote:

Hi there – would like to request the package come back to my program area for processing (follow-up letters etc). s.13

s.13

Cheers ~ Brent

From: Gedney, Vanessa R MAH:EX <Vanessa.Gedney@gov.bc.ca>
Sent: February 20, 2020 6:43 AM
To: Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>
Cc: Krishna, Kaye MAH:EX <Kaye.Krishna@gov.bc.ca>; Kubisheski, Carlee MAH:EX <Carlee.Kubisheski@gov.bc.ca>; Andrade, Ana MAH:EX <Ana.Andrade@gov.bc.ca>; Wilkins, Christina MAH:EX <Christina.Wilkins@gov.bc.ca>; Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Subject: Re: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Yes will do

Sent from my iPhone

On Feb 19, 2020, at 10:32 PM, Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca> wrote:

Thank you, Vanessa are you able to share this with the MOs.
s.13

Tara
Sent from my iPad

On Feb 19, 2020, at 2:29 PM, Krishna, Kaye MAH:EX <Kaye.Krishna@gov.bc.ca> wrote:

All clear to move ahead without feedback

Sent from my iPhone

On Feb 19, 2020, at 12:49 PM, Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca> wrote:

Hi Kaye,
Per below, did you receive any feedback from DMs?

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>

Sent: February 19, 2020 12:19 PM

To: Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>

Cc: Wilkins, Christina MAH:EX <Christina.Wilkins@gov.bc.ca>;
Edmondson, Marijke MAH:EX <Marijke.Edmondson@gov.bc.ca>

Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed
Silver Star Resort Association

Hi Tara – for program level contacts, everyone is in the knows.
s.13 So unless Kaye
has heard anything from DMs (we asked for comments by last Friday)

s.13
For next steps – s.13
s.13 |

1

Either way, from there we can communicate as follows:

- Program area (Director level signature):
 - Proponent – conveyance letter or regret letter with package
 - RD – information letter
 - First Nations – information letter.
- GCPE
 - Members of the public and other stakeholders will be covered by a news bulletin

Cheers ~ Brent

From: Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>
Sent: February 19, 2020 9:26 AM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Cc: Wilkins, Christina MAH:EX <Christina.Wilkins@gov.bc.ca>; Edmondson, Marijke MAH:EX <Marijke.Edmondson@gov.bc.ca>
Subject: RE: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Hi Brent,
So does this confirm/conclude all the feedback we were supposed to get?^{S.13}

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Sent: February 13, 2020 3:14 PM
To: Krishna, Kaye MAH:EX <Kaye.Krishna@gov.bc.ca>; Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>
Cc: Gedney, Vanessa R MAH:EX <Vanessa.Gedney@gov.bc.ca>
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Along with TAC, MIRR and FLNRORD (staff level) are all in the know and supportive

From: Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>
Sent: February 13, 2020 3:07 PM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Cc: Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
See below.

From: Avison, Claire TAC:EX <Claire.Avison@gov.bc.ca>
Sent: February 13, 2020 2:59 PM
To: Shang, Cindy TAC:EX <Cindy.Shang@gov.bc.ca>; Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Subject: RE: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
MLB supports and has already communicated to MSR. Thanks for flagging.
Claire Avison | Assistant Deputy Minister | Ministry of Tourism Arts and Culture | Cell: 250-217-9059 | claire.avison@gov.bc.ca

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Sent: February 7, 2020 2:20 PM
To: Avison, Claire TAC:EX
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Importance: High
For you to share with Shauna – Amber wants to make sure both you and Shauna are supportive of the proposed assessment.

From: Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Sent: February 7, 2020 1:29 PM
To: Shang, Cindy TAC:EX <Cindy.Shang@gov.bc.ca>
Cc: Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>
Subject: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Importance: High
Cindy,

I just wanted to flag the email below for Claire and Shauna. The Ministry of Municipal Affairs is putting forward a recommendation to establish a Resort Association for Silver Star Resort. They are seeking TAC's acknowledgement of this notice, before Friday next week. We've reviewed and have no concerns with the proposal. Can you confirm Claire and Shauna are supportive of this assessment before we respond.

Essentially the proposal once approved, will allow the resort to begin collecting levies from accommodation properties so they can establish a resort based DMO (like Tourism Whistler or Tourism Sunpeaks) to assist in marketing the resort. It is not tied to the Resort Municipality Initiative.

Thanks,
Amber

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>

Sent: February 6, 2020 5:41 PM

To: Hunter, Bill FLNR:EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Hilton, Peter IRR:EX <Peter.Hilton@gov.bc.ca>

Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi there – as I have mentioned in my phone calls, our Minister has a pending decision on whether or not to establish a *Resort Association* for the Silver Star Resort (background information below).

Before making a decision, our Minister would like to make sure that the **FLNRORD** (Mountain Resort Branch), **MIRR** and **Tourism** have all been provided with advance notice.

The purpose of this message is to share that we are moving to decision within the next couple of weeks. If established, the Silver Star Resort Association would be a locally run organization that would levy member fees for resort marketing and promotion. This tool is enabled under Provincial legislation (*Resort Association Act*, *Community Charter*, *Societies Act*) with the intent to support tourism. I am hoping to received acknowledgement of this notice and any comments by the end of next week, Friday February 14th, after which I anticipate we will be moving forward to a decision.

Please let me know if you have any questions or require additional information.

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220

Silver Star Resort Association Proposal

Summary

- For the past few years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The Task Force submitted to proposal to the Ministry in late February 2019. <https://www.ilovesilverstar.com/>

- To review proposal to Minister: https://26f6b6ec-2869-4545-8d28-d0a1e3e2902f.filesusr.com/ugd/bebac7_f92b27a45c70492bbebdb0fb2ad670f4.pdf
- Resort Associations are enabled under provincial legislation to help promote resort use in support of tourism.
- The Minister's role is to ensure the statutory conditions have been met prior to approving a proposal.
- For the past several months Ministry staff have been reviewing the proposal; seeking legal advice; and have carried out consultation with First Nations, in coordination with the Mountain Resort Branch.
- The matter is now before the Minister for decision.

Background

Provincial Interest

- There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.
- Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.
- British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

Resort Associations

- Resort associations are incorporated societies (i.e. not-for-profit) established for resort promotion.
- They collect levies from members (property owners) from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes.
- The last resort association established in the province was Red Resort in 2007. Other resort associations exist in Whistler (1979) and Sun Peaks (1996).

Silver Star Resort and the Proposal Resort Association

- Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon.
- The Resort is an important part of the north Okanagan regional economy, with over 1,500 employees and 500,000 visitors annually.
- They currently have a "Resort Association" fee not charged to all rental/commercial properties which the task force believes is an inadequate marketing tool.
- The proposed Silver Star Resort Association (SSRA), on an annual basis, would levy rental/commercial properties to create a budget for marketing and promotion activities.
 - Specifically SSRA would focus on: *"Marketing and sales; research; communications; special event planning and execution; and advocating on behalf of the community."*
- In developing their proposal, the Task Force: engaged directly with First Nations; made presentations to community groups

and strata councils; held workshops and presentations to the Silver Star Property Owner Association; held three open houses in January, February and April 2017; undertook a community survey, and shared results; released 10 Newsletters from Spring 2016 to Spring 2018; and launched a website that included many of the engagement materials. The Task Force also made presentation to the regional district.

Statutory Conditions under Resort Association Act

- Before a proposal can be forwarded to the Minister these conditions must be met:
 - Proposal has to be for an area offering ski lift operations, year-round recreation and overnight accommodation – ***Silver Star has these features ✓***
 - Local government has to approve – ***Regional District of North Okanagan approved proposed maps and bylaws on February 21, 2018. ✓***
 - And a petition must be signed by 50% of property owners representing 50% of the tax base – ***verified petition results from December 21, 2019 were 53.2% and 56.4% respectively ✓***

First Nations Consultation

- The proponent engaged directly with First Nations in the area
s.13; s.16
- The file from the proponent includes a letter of support from the Splatshin First Nation.
- s.13; s.14; s.16
- There was follow-up with the OKIB as they advised no principle objections s.13; s.16
s.13; s.16
• s.13; s.14; s.16
- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

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Withheld pursuant to/removed as

DUPLICATE

Page 019 of 259

Withheld pursuant to/removed as

s.14; s.13

Page 020 of 259 to/à Page 021 of 259

Withheld pursuant to/removed as

s.13; s.14

From: [Krishna, Kaye MAH:EX](#)
To: [Faganello, Tara MAH:EX](#); [Mueller, Brent MAH:EX](#); [Edmondson, Marijke MAH:EX](#)
Subject: MSR BRIEFING | Silver Star Resort Association w/Kaye Krishna, Tara Faganello (REGRETS), Marijke Edmondson, Brent Mueller
Start: February 5, 2020 11:00:00 AM
End: February 5, 2020 11:25:00 AM
Location: Minister's Office | Room 310 | Parliament Buildings

BRIEFING NOTE FOR DECISION

Date: January 20, 2019
Prepared For: Honourable Selina Robinson, Minister of Municipal Affairs and Housing
Title: Silver Star Resort Association
Issue: The Silver Star Marketing Task Force has requested Minister's approval for the creation of a Silver Star Resort Association.

RECOMMENDED OPTION:

- s.13

BACKGROUND:

For the past three years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The *Resort Association Act* (RAA) enables the creation and funding of resort associations to promote development of resorts, with specified approvals of the Minister of Municipal Affairs and Housing (Minister). The Task Force has provided its Submission Package seeking these approvals. This briefing note provides that Submission Package to the Minister, along with the assessment of Municipal Affairs and Housing (MAH) staff regarding if it meets the statutory requirements for creation of a resort association.

Resort Associations

Mountain resorts on Crown land are created under agreements (e.g. Master Development Agreement) and plans (e.g. Master Plan) between the Province (Ministry of Forest, Lands, Natural Resource Operations and Rural Development, FLNRO) and the tenure holder (proponent). Once created, the resort business can be promoted in a number of different ways, depending on the resort's location, nature of the community and the proponent's interests. In areas outside of municipal boundaries, the RAA is the tool to formally enable resort promotion -- and its funding -- through creation of resort associations. Once a proponent decides to pursue establishment of a resort association, it must follow the legislative requirements in the RAA.

Resort associations are incorporated societies (i.e. not-for-profit corporations) established to promote, facilitate and encourage the development, maintenance and operation of a resort (referred to as the resort promotion scheme). Resort associations collect levies from members from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes and the promotion scheme (e.g. marketing, signage, accommodation booking and events planning).

In 1995, the legislature adopted the Mountain Resorts Associations Act (title changed to Resort Associations Act in 2007). The last resort association established in the province was Red Resort in 2007. Other resort associations exist in Whistler (1979) and Sun Peaks (1996). *See Appendix 1 and 2 for further general information on resort associations and the establishment of resorts.*

About Silver Star Mountain Resort

Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon (see Map in Appendix 2). Silver Star Mountain Resort is an important part of the north Okanagan

regional economy, with over 1,500 employees and 500,000 visitors annually. In 1946 the first tow rope was built and by the late 1960's Silver Star was one of the largest ski areas in Canada – with a day lodge and several ski lifts. The first private land sales occurred in the mid-1980s. The older residential areas of Silver Star (e.g. the Knoll, Creekside) were first developed in the 1990s and early 2000s. Skier facilities, community amenities and services, residential and commercial infrastructure are centred around a small base area. The population at the Silver Star Mountain Resort is fewer than 300 full-time residents.

Currently, about half the properties at Silver Star are subject to a Silver Star Resort promotion scheme, that does not operate under the RAA. As properties were sold by the Silver Star owner and mountain operator, a Resort Area Management Agreement rent charge (more commonly known as a “RAM fee”) was registered on the title of properties at the resort. This requires owners to pay a fee towards marketing, recreational programs, common recreation facilities and other publicly accessible activities to promote and encourage the development of the resort area. Properties that do not have the RAM fee registered on title do not currently pay a marketing fee even though they may benefit from resort development activities. Properties that have this on title, all contain a provision that provides for a transition to a resort association if one is created.

Submission Package

In February 2019, MAH received a Submission Package from the Task Force, a group of interested stakeholders, including individual property owners, businesses, hotels and the resort operator. The Submission Package seeks Minister's approvals to establish the Silver Star Resort Association (SSRA), approve the first bylaws of SSRA and the maps that establish the resort promotion area and resort lands subject to the levies. The Submission Package provides background, describes how the proposed SSRA model has been developed, and describes:

- the proposed resort association's structure and role;
- the Task Force's view of the key benefits of a resort association (Submission Package pages 9-10);
- the proposed first bylaws of the SSRA, and accompanying resort promotion area and resort land maps;
- the certified results of the petition of property owners seeking establishment of SSRA;
- the Task Force's consideration of best practices in other resort associations; in particular Sun Peaks and Whistler's resort associations;
- Local government (RDNO) engagement and approval;
- Community and stakeholder engagement; and
- First Nations engagement

(For direct reference refer to attached Submission Package)

Resort Association Approval

The creation of a resort association requires that the Minister take three actions:

3) approve the bylaws of the association [RAA s. 3(5)(a)].

These three actions are part of a broader process leading to resort association creation:

The steps to Resort Association creation and applicable <i>Resort Associations Act</i> (RAA) Section		
1	<i>Local government approval</i>	Approval by the local government of resort promotion area [RAA s. 2(2)(b)] and first bylaws of the association [RAA s. (3)(5)(a)]
2	<i>Petition of property owners</i>	Property owners in the resort promotion area petition [RAA s. (3)(3)]
3	<i>Submission Package and Request for Minister approval</i>	Proponent requests Minister's approval and provides package including, but not limited to: the certified results of the petition, maps, proposed bylaws and local government resolution. Ministry staff analyze application package content.
4	<i>Resort condition met</i>	Minister satisfied that one of three resort conditions is met [RAA s. (2)(a)] (in short – ski operations, year-round recreation facilities and overnight accommodation offered; an agreement is in place to provide skiing, year round recreation and accommodation; or the area is in a "resort region.")
5	<i>Minister's Order signed to establish resort promotion area</i>	Minister's Order signed to establish resort promotion area [RAA s. 2(1)]
6	<i>Minister's Order signed to incorporate Resort Association and specify Resort Land</i>	Minister's Order signed to incorporate Resort Association and specify Resort Land [RAA s. 3(1)]
7	<i>Minister approves first bylaws of the Resort Association</i>	Minister's statutory approval of first bylaws of the Resort Association [RAA s. 3(5)(a)]
8	<i>Proponent completes final steps for the association to come into existence</i>	Proponent files with the Registrar of Companies [RAA s. 5(b) & 6]. An association comes into existence once the orders, bylaws, list of first directions, and notice of the address of the association is filed with the Registrar of Companies.

Along with ensuring First Nations are consulted; other steps may be required to satisfy legal requirements.

DISCUSSION:

The following (along with the attached Submission Package and the other appendices) sets out information about each of the above-noted steps in the resort association creation process, along with MAH staff's analysis. This information is comprehensive, as the Minister is performing the role of a statutory decision makers.¹³; s.14

The Minister's role is to approve or reject as is, each of the three actions as outlined above (resort promotion area; resort lands and incorporate an association; and approve bylaws); s.13
s.13

The Task Force first reached out to MAH staff in February 2016 about a potential resort association at Silver Star. MAH staff advised the Task Force to research best practices, engage legal and policy experts for bylaw drafting, and undertake an open and collaborative process with potential members of the resort association, First Nations, stakeholders and other community members. Throughout the process leading to the Task Force Submission Package, MAH staff were consistent with this advice.

The proposal for a resort association at Silver Star has been controversial for some members of the community. The fundamental question has been who pays for the resort promotion activities of the SSRA, as some property owners who do not currently pay would be subject to a levy. This underlying question also prompted various procedural, timing and engagement concerns over the course of the process.

Local Government Engagement and Approval

The Task Force began local government engagement early in the process by meeting with the RDNO's Chief Administrative Office (CAO) in 2015. From there, the Task Force responded to RDNO staff questions, prepared background information and material, and presented at the RDNO Board of Directors' Committee of the Whole meetings in February 2017 and November 2017 on the proposed resort association (see the Task Force Submission Package pages 15 – 18). This brought the proposal to the attention of the general public and as a result simultaneously began the public engagement process (see below).

In accordance with the RAA, the RDNO has approved the resort promotion area (RPA) and bylaws presented by the Task Force, by a February 21, 2018 board resolution (see Tab 14 of Task Force Submission Package).

The RDNO approval was with two conditions: 1) RDNO owned land or land owned for the provision of utilities and utility infrastructure services be exempt from fees and 2) borrowing of the SSRA be limited to \$250,000. The initial bylaws were amended to accommodate the conditions (see page 21 of the Task Force Submission Package).

Incorporation and First Bylaws of the SSRA

As societies established under the *Societies Act*, resort associations are guided by their bylaws. The bylaws need to reflect the goals, scope and complexity of the resort association.

The SSRA bylaws outline: programs and services of the resort association; membership; borrowing powers; general meetings and proceedings for meetings; voting of members; Director provisions (i.e. selection, powers and duties, conflicts of interest, proceedings); committee establishment; officer establishment; indemnification; procedural provisions (i.e. documents, records and reports, notices, record dates, seals); amending of bylaws; assessment payable by members; and provisions for winding up of the association.

The bylaws were prepared and finalized by two well-established and experienced legal firms, one of which includes lawyers who have acted for Red Mountain Resort Association and Sun Peaks Mountain Resort Association. The Task Force Submission Package describes how the proposed SSRA bylaws have been developed based on best practices in BC (i.e. Sun Peaks and Whistler resort associations) and adapted based on community input. Key to the SSRA scheme is the focus of the resort levy on commercial properties, not residential properties (see below).

Incorporating the SSRA, that operates under bylaws consistent with the RAA and *Societies Act*, provides a process for those subject to the resort levy to have input. The proposed SSRA Board structure ensures representation for all types of commercial properties subject to the levy. The bylaws also provide for non-levied residential members' participation on the Board via a Residential Director, which will be an improvement to the existing "RAM" fee. The Board structure is tailored to the Silver Star community (see Appendix 3, Question # 14), and is also generally consistent with Whistler and Sun Peaks' resort associations' board structures (see Appendix 4). By contrast, the existing "RAM" fee that applies to about half the properties does not provide any property owners with a formal say in how their fees are spent or influence on the decision-making process. See Appendix 3, Question 6 for a further explanation.

The bylaws also lay out the levies (or Assessments) payable by resort association members (see Appendix 3, Question 13, or Submission Package, Tab 4, for summary of the levies). While comparisons are difficult given limited examples of other resort associations in BC, each with their own unique characteristics, the s.13 Yearly levies range from \$500 to \$1678.57 for comparable rental units in the existing resort associations (see Appendix 4 - Resort Association Comparisons Chart). The Board may, by resolution, increase the amount of the levies in accordance with the British Columbia Consumer Price Index (annual average change for all items) plus 2 points. Any other change in the levies must be approved by a Special Resolution. These levies are anticipated to generate approximately 76% of the revenue for the SSRA, with 29% of that contribution coming from the mountain operator (Task Force Submission Package, Tab 3). This overall projected budget is modest in comparison to Whistler and Sun Peaks.

The RDNO has approved the bylaws and if approved by the Minister, the bylaws can only be amended or repealed in accordance with the resort association bylaws, applicable *Societies Act* section, approval of the local government, and Minister's approval.

Public Engagement: property owners and other stakeholder engagement on bylaws/ proposed resort association

During the engagement process, both supportive and concerned residents and stakeholders contributed their input to the Task Force, RDNO and MAH. As mentioned above, the early engagement with the RDNO precipitated community feedback and the RDNO heard from and received written correspondence from the community. In addition to the RDNO's process for responding to their community members, the Task Force also began several community engagement initiatives.

The Task Force: held one-on-one meetings with interested parties; made presentations to community groups and strata councils; held workshops and presentations to the Silver Star Property Owner Association; held three open houses in January, February and April 2017; undertook a community survey, and results shared; released 10 Newsletters from Spring 2016 to Spring 2018; and launched a website that included many of the engagement materials.

The Task Force reports their engagement processes resulted in over 20 changes to the initial proposal (Task Force Submission package, page 20). The 10 newsletters outlined the input received and the Task Force's changes in response. (see Appendix 3, Question 11 for a list of all the changes). For example, the

Task Force has affirmed that an owner of a resort property not offered for rent or not otherwise used for commercial purposes will not have to pay the resort association levy (see section 20, Assessments Payable by Members, in the bylaws). By comparison, other resort associations do charge residential-only members an annual levy, albeit one that is less than the commercial operators' levy.

Ministry staff also received phone calls and correspondence from the public and processed over 15 Freedom of Information Requests – the majority from property owners not currently subject to the RAM fee who would be subject to the SSRA levy. s.13; s.14

s.13; s.14

Petition of property owners in the resort promotion area

While the Province has created legislation to enable the creation of resort associations, it is up to the community at large to decide if such an association benefits the area, is in line with the community's vision for itself, and is structured in a way that meets the community's needs. This is reflected in the legislation itself, including requirements for local government approval and a petition.

Following the RDNO's approval, and property owners and other stakeholders' engagement, the Task Force started the petition process September 5, 2018 and stated December 14, 2018 as the petition completion date.

Under RAA section 3(3), the *Community Charter* (CC) section 212 petition process applies, "as far as reasonably possible". Section 212 of the CC outlines what must be in a petition (e.g. description of the service, definition of the boundaries), the required percentage of owners that must sign the petition for it to be certified as sufficient and valid (50% of property owners representing 50% of the property assessment value), and that the corporate officer must determine the sufficiency and validity of the petition and must certify this determination. The Task Force is not a local government and therefore, does not have a "corporate officer".

The Task Force made the decision to have Mr. Rick Beauchamp independently certify the petition result – although the RDNO had offered to fulfill this role and does have a "corporate officer". Mr. Beauchamp was chosen by the Task Force from a Local Government Management Association of British Columbia list of consultants with past corporate officer experience that Ministry staff shared with the Task Force. For further description of the petition process concerns, please see Appendix 3, Questions 3 to 5.

Of 994 eligible properties, the SSRA Property Owner Petition has been signed by 53.2% of the properties that would be included in the RPA. These properties represent 56.4% of the assessed value that would be included in the RPA (see Appendix 5).

The petition process has been a focal point of criticism due to concerns about the timeline and the Task Force choosing an independent contractor to certify the petition results. The CC does not set a timeline for when petitions must be received, but MAH staff provided the Task Force a reasoned suggestion of 3 months for the petition timeline (very close to the actual 100 days). The property owners were originally asked by the Task Force to return the petitions by October 31, 2018, but this was changed to December 14, 2018; around the same time Elections BC extended the time for mail ballots to be sent regarding the referendum on BC's Provincial voting system.



s.13; s.14

Ministry staff is of the opinion that a sufficient petition was presented in the Submission Package and that section (3) of the RAA has been met, as the requirements of section 212 of the CC have been applied as far as reasonably possible.

First Nations engagement on bylaws and proposed resort association, and Provincial Consultation

The Submission Package provides information on the First Nations engagement process for the SSRA proposal. It indicates eight First Nations were contacted in relation to the Silver Star Mountain Master Plan Review and that only representatives from Okanagan Indian Band (OKIB) and Splatshin responded. The Splatshin's letter of support for the creation of a SSRA is in the Submission Package (see Submission Package, tab 13). The Submission Package further indicates that OKIB and Splatshin were involved in "extensive consultation in relation to the Silver Star Master Plan Update, at which time the proposed SSRA was discussed." The proposed SSRA engagement coincided with the separate review of the Silver Star Master Plan and Master Development Agreement between the Province (via FLNRO) and the resort; hence the Submissions Package description of the engagement relative to these processes. *See Appendix 2 for further information on Resort Development in British Columbia and Silver Star Resort.*

In addition to the Task Force engagement, MAH staff followed legal advice to send consultation notice correspondence to all First Nations with known interests in the resort area. Given the dual processes, this was conducted by MAH with support from FLNRO. Only s.13; s.14; s.16

s.13; s.14; s.16

Minister must be satisfied that one of the three resort conditions is met

MAH staff are satisfied that alpine ski lift operations, year-round recreational facilities and commercial overnight accommodation are offered within the area. This condition is outlined under RAA section 2(2)(a)(i). Silver Star Mountain Resort website (<https://www.skisilverstar.com/>) describes their ski lifts, summer gondola rides, biking and hiking activities and advertises summer and winter accommodations.

Resort Promotion Area (RPA) and Resort Land

The RPA is the area over which promotion and marketing activities can apply. The map attached to Minister's Order 1 is the same as the bylaws' Schedule B area; it is the area formally requested (under Submission Package, Tab 1) to be designated by the Minister as RPA. The proposed RPA is based on the resort's, controlled recreation area (CRA). The CRA is the land managed in partnership with resort developer and FLNRO. It is MAH staff's opinion this is a reasonable area over which promotion and marketing activities can apply as it is where the ski lifts, trails and development are located.

The resort land - the area for which fees will be levied for the operation of the resort association – aligns with the community's official community plan boundaries (RDNO bylaw) and includes developed and undeveloped lands (about 150 hectares).

A key concern expressed by community members is that the Task Force should have excluded certain properties from the resort land area. Excluded properties would not have to pay the levy. For those not currently paying the RAM fee, there is concern that the premise under which they bought their property is changing without their direct control.

The Task Force offers the following for why it chose the proposed resort land boundary and why, unlike other existing resort associations, it found it problematic to exclude some residential areas (see Submission Package pgs. 29-33 & Schedule 17; Appendix 3, Question 11; Appendix 4):

1. Geographic proximity: Silver Star properties are within close proximity to the village core and resort amenities. It would be challenging to determine which properties would not benefit from the SSRA and therefore should be excluded from the map. Whistler geographically is more spread out than Silver Star and has a mandatory membership model for all owners of designated resort land in close proximity to the commercial core of the village. Sun Peaks has excluded the original Burfield properties that are 2.5 kms away from the village core.
2. Access to Business opportunity: Silver Star has no restrictions on nightly rentals. Whistler actively enforces no rentals in its residential zones as they typically do not pay the marketing levy. Sun Peaks' Burfield properties are primarily permanent residents and/or long-term renters.
3. No distinctions between properties being offered for rent: A Silver Star Property Owner Association review concluded that a virtually equal number of non-RAM and RAM properties are being offered for rent, both therefore arguably benefiting from increased visitation to the resort from marketing.
4. Present inequity: Approximately 50% of residential properties being offered for rent are not contributing financially to resort promotion.
5. Exception for residential use only: SSRA will only collect the levy from properties being used for a commercial purpose (e.g. offered for rent or home-based business).
6. One voice: resort association allows the whole community to be represented.

The proponent of a resort association is in the best position to research, engage, and make an informed decision on the resort land area based on public engagement. Mr. Beauchamp certified that the petition threshold has been met. s.13; s.14

s.13; s.14

The last resort association established under the petition requirement was Red Resort in 2007. In that case, the Minister approved the resort land as presented by the proponent.

MAH staff is not in a position to recommend a different area other than the one presented that has met the petition threshold.

Proponent completes final steps for the association to come into existence

If the Minister approves the resort promotion area, resort lands, and bylaws of the SSRA, several additional steps must occur before the SSRA comes into existence. Under the RAA, an association comes into existence once the orders, bylaws, list of first directors, and notice of the address of the association are filed with the Registrar of Companies. The Ministry of Citizens' Services, as the Ministry responsible for the operation of the Corporate Registry under the *Societies Act*, may also have additional procedural requirements.

In Summary

The creation of a resort association requires that the Minister do three actions:

s.13

- 3) approve the bylaws of the association [RAA s. 3(5)(a)].

s.13

The RPA and bylaws have received local government approval and there is sufficient evidence to establish that the petition process met the legislative requirements.

While some residents are still concerned, MAH staff are satisfied that the Task Force undertook significant public outreach, researched the operation of other resorts, considered local circumstances, and engaged legal support in order to meet the requirements of the legislation.

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OPTIONS:

s.13



RECOMMENDATION:

- Option 1

APPROVED (OPTION 1) / NOT APPROVED

Honourable Selina Robinson

Date

Appendices:

1. Resort Association Backgrounder
2. Resort Development and Silver Star Resort Backgrounder
3. s.13
4. Resort Association Comparisons Chart
5. Petition Certificate of Sufficiency
6. s.13
- 7.
- 8.

Refer to Hardcopy Binder (sent separately): Request for Minister Approvals for the Silver Star Resort Association, February 2019.

PREPARED BY:

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APPROVED BY:

Tara Faganello, Assistant Deputy Minister
Local Government Division

Kaye Krishna, Deputy Minister

DATE APPROVED:

January 17, 2020

January 17, 2020

APPENDIX 1 – Resort Association Backgrounder

Introduction:

A resort association (RA) is an incorporated society established under provincial legislation to promote a resort. It has the ability to levy and recover charges from commercial and residential property owners for promotional activities which can include central booking, marketing, signage, and special events. These activities can increase visitation, new investment, and development to support resort industry and tourism growth.

History:

In the 1990s, government recognized the success of Whistler and the potential benefits of an expanded ski sector for the provincial economy and wanted to extend these benefits to other existing and potential new resorts across the province. In 1995, the *Mountain Resort Associations Act* (MRAA) came into effect which amongst other matters provided for the establishment of resort associations (incorporated societies established to promote a resort) in any area offering ski and recreation facilities.

In 2003, the BC Resort Task Force was formed with the objective of maximizing the potential of BC's existing and emerging resorts and resort communities within a sustainable tourism environment. Subsequently, further amendments were made and in 2007 the MRAA was renamed the *Resort Associations Act* (RAA).

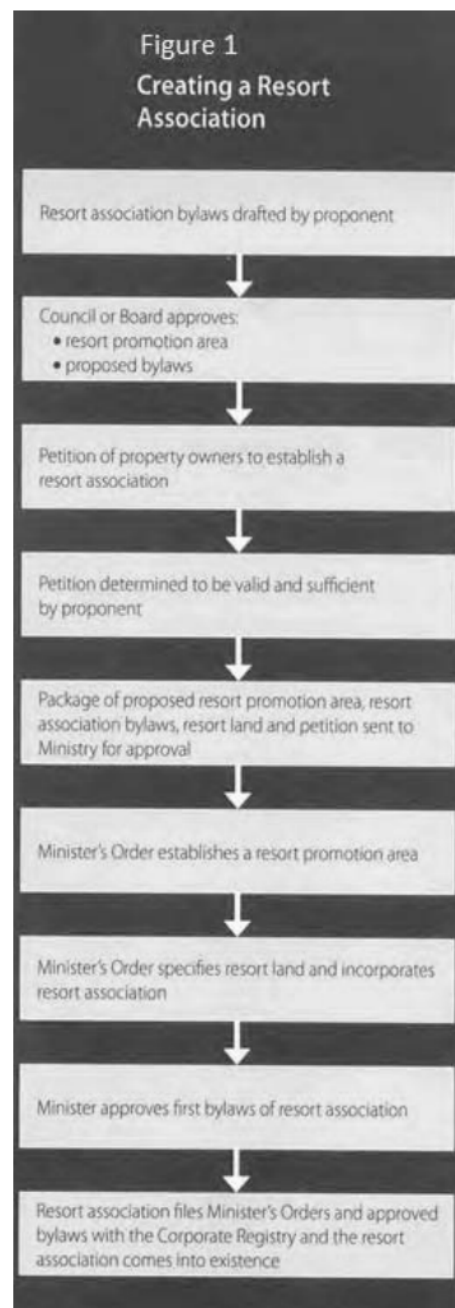
The Ministry of Municipal Affairs and Housing is responsible for the legislative framework for RAs. The two key statutes are the *Resort Municipality of Whistler Act* and the *Resort Associations Act*.

Creating a Resort Association:

As show in Figure 1, the process for creating a new RA starts with identifying the resort promotion area and resort area, drafting society bylaws and undertaking community engagement with property owners and stakeholders. From there, local government endorsement, a positive petition result and ministerial approval are required to formally establish an RA.

Determining the RA Area:

Proponents of an RA first have to consider the scope of the “resort promotion area” which is the wider area of resort recreation and potential development. Within the resort promotion area is a smaller designated area called “resort land” which is the area within which a resort association can levy a charge to recover the costs of resort promotion. Over time this area can be expanded to take in new commercial or recreational development.



Drafting Bylaws:

Proponents next develop draft bylaws for the proposed RA and undertake engagement with resort property owners. The bylaws can include provisions for: membership, voting rights of members, levying assessments on members, and the promotional activities of the RA. The draft RA proposal – including the proposed resort promotion area, resort land, and bylaws – is forwarded to the local government which then considers supporting it or not by resolution.

Petition:

With local government approval, the proponents develop a petition under s. 212 of the *Community Charter*. This petition must describe the promotional scheme, define the boundaries of the resort promotion area (with a map), identify the method of cost recovery and estimate costs to business and residential property owners. Half of the property owners, together representing half of the assessed value of the properties, need to sign the petition to enable the petition to be valid and sufficient. Typically, proponents may contact smaller numbers of property owners directly, especially the larger commercial entities and hotels, but would mail out the petition where there are large numbers of owners involved. Petitions may take months to complete where there are larger numbers of owners.

Minister's Role:

The package of the resort promotion area and resort land maps, bylaws, local government approval and the petition results are then submitted to the Minister of Municipal Affairs and Housing for consideration. The Minister must be satisfied that the area for the RA has alpine ski operations with year-round recreational facilities and overnight hotel accommodations (or is in a resort region), and further that the RA promotion area has local government support. The Minister must also be satisfied with the petition process. By policy, Ministry staff also provide an assessment to the Minister on whether or not the RA scheme seems fair and equitable.

Final Steps:

As a final step in the process, an RA comes into existence when its bylaws, list of first directors and address are filed with the Registrar of Companies.

APPENDIX 2: Resort Development and Silver Star Resort Backgrounder

Introduction

There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.

Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.

British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

Role of the Ministry of Municipal Affairs and Housing (MAH)

The legislative framework for the establishment of a resort association falls under the responsibility of the Governance and Structure Branch of the MAH. As such, it is the role of the Branch to provide guidance on the application of the *Resort Association Act* and other relevant statutes. As well, there are statutory decisions required by the Minister for the establishment of new resort associations. The Ministry coordinates its work with the Mountain Resorts Branch, of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

As an unincorporated community, not a resort municipality, Silver Star indirectly shares in the benefits of the annual regional district grant from MAH to the RDNO but receives no other provincial funding (In Budget 2019, the Government committed to 14 resort municipalities sharing \$39 million over three years under the Province's Resort Municipality Initiative through Ministry of Tourism, Arts and Culture).

Role of the Regional District of North Okanagan (RDNO)

At Silver Star, the RDNO taxes and has authority over matters such as: building inspection; bylaw enforcement (e.g. unsightly premises, noise and dog control); water utility; fire protection and some land administration (e.g. official community plan, development permits). Under the legislative framework as the local government they must approve the resort promotion area, first bylaws of the resort association, and in future any amendments to the resort association bylaws.

Role of the Mountain Resorts Branch (MRB)

The MRB, of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development manages 34 existing ski areas and all-season resorts on provincial Crown land, including 13 world-class destination mountain resorts. The MRB operates under the *Land Act*; *Ministry of Lands, Parks and Housing Act*; *Forest Act*; and the *Resort Timber Administration Act*. The All-Seasons Resort Policy (under the *Land Act*), sets the framework for management of Crown land and timber resources for sustainable resort development. Each resort operates under key agreements:

- Operating Agreement (OA), or Master Development Agreement, (MDA): the contract issued for a term of 30-60 years between the Province and the resort developer that sets out each party's obligations and responsibilities with respect to a proposed resort;
- Master Plan: the detailed plan of phased development for each resort reviewed and approved by Mountain Resorts Branch.

The Master Plan review and approval of the OA or MDA, is led by the Branch and involves coordination and collaboration with key stakeholders, the public, First Nations and all provincial and local government agencies. In addition, the Branch consults directly with First Nations on rights, title and accommodation regarding mountain resort developments in BC.

Under the Province's All-Seasons Resort Policy, recreation infrastructure, including lifts, daylodges, and parking, remain on Crown land that is tenured providing revenues and security to the province. Those resorts that have a MDA are able to purchase and develop land at the base for residential and commercial purposes, depending upon the amount of recreational capacity created, a fundamental part of the policy's perform and reward system overseen by the Mountain Resorts Branch.

Coordination Between MAH and MRB

The MRB is aware that MAH has received a submission package from the Silver Star Task Force requesting establishment of a Resort Association to improve marketing and promotion. MRB acknowledges that legislation enabling the creation of resort associations exists to support resort and tourism development, consistent with the provincial interest to have a strong economy.

Silver Star Mountain Resort

Silver Star Mountain Resort one of BC's world-class destination resorts located east of Vernon, British Columbia. In addition to local property and sales taxes, the Province collects an annual 2% royalty based on the gross revenue generated from the use of Crown land. Over the last 5 years Silver Star has seen an average increase of 8% in revenue. Given the significant investment on Crown land, the Province has an interest in the success and viability of Silver Star Mountain Resort.

Silver Star Master Plan Master Development Agreement

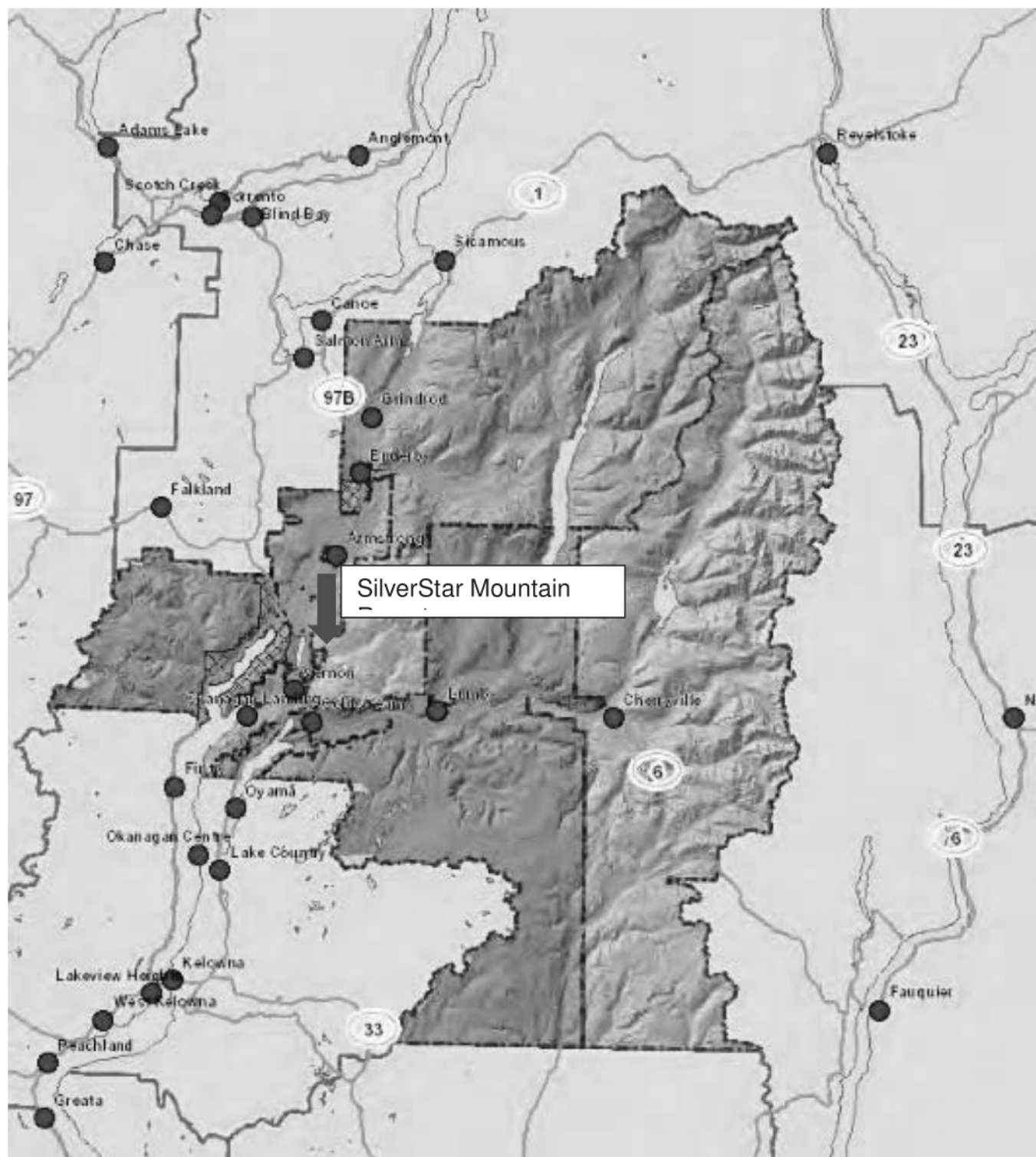
Silver Star Mountain Resort was in year 36 of their 50-year term of an existing MDA with the Province scheduled to expire February 28, 2033. Silver Star applied to replace their existing MDA with a new form of MDA, with a new 60-year term. This was completed November 15, 2019. This will facilitate the increase of all-seasons recreational activities to include cross country mountain biking, mountain coaster, golf, and zip lining to attract new markets and increase visitation.

**On December 3, 2019 "POWDR" an adventure lifestyle company announced it had acquired SilverStar Mountain Resort. POWDR immediately takes over operation of the resort including responsibility for honouring all agreements with the Province. POWDR owns 10 resorts across the United States in California, Colorado, Nevada, Vermont, Oregon and Utah.*

First Nations

Mountain Resorts Branch (MRB) has provided notification to both the Splat sin and Okanagan Indian Band (OKIB), on their decision to approve the SilverStar Resort Master Plan and 60-year Master Development Agreement (MDA). Splat sin and OKIB were engaged in comprehensive consultation on the decisions over the course of 4 years and have been invited to resume discussion on accommodation and/or revenue sharing agreements, as none were yet completed at the time of the decision to approve. A number of conditions which respond to First Nations' interest were placed within the MDA, including a number of conditions which are focused on protection of archaeological, cultural and heritage values, First Nations community access, and environmental protection. These align with MRB's consultation and are encompassed within the proposed accommodation of First Nations interests for both Splat sin and OKIB.

Map 1: Regional District of North Okanagan



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APPENDIX 4: Resort Association Comparisons Chart

Resort Association	Year	Resort Promotion Area	Resort Land & Estimate Number of Members	Annual Budget	Structure of the Board (# Directors and Sectors)	Fee Structure Comparison
Whistler Resort Association Established by Resort Municipality of Whistler Act https://content.whistler.com/general/documents-public/about-tourism-whistler.pdf	1979	Not defined	More than 8,000 Members Whistler Village and some surrounding Crown land near amenities Membership is registered on title to the properties	\$10 Million (75% member fees; 25%) operations, partnerships, MRDT) <ul style="list-style-type: none"> Together common and commercial member assessment fees account for approximately 55% of budget (in 2019) 	Elected: 2 Year Terms Multi-managed lodging 3 Commercial 1 Large Single Managed Lodging 1 Small Single Managed Lodging 1 Director at large 1 Appointed Whistler-Blackcomb 2 RM of Whistler 2 Tourism Whistler 1 Ex-Officio 1 Total Directors 13	residential two-bedroom condominium with a sofa bed (6 billing units) available for nightly / short-term rental \$1678.57 in 2019 (includes GST)
Sun Peaks Mountain Resort Association https://www.sunpeaksresort.com/members https://www.sunpeaksresort.com/sites/default/files/inline-files/TSP_Annual_Report_%202016_Web.pdf	1996	5013.8 ha	More than 1500 Members Only excludes Burfield condominiums and Burfield drive subdivision, original Tod Mtn. Burfield is not adjacent to the Village (2.5 kms away) 859.71 ha	\$2.8 Million \$1 Million membership \$0.8 Million 5% Ticket Sales \$0.46 Million MRDT \$0.54 Million Other <ul style="list-style-type: none"> Residential Members pay assessments for common costs (i.e. general administration, costs that benefit all members); they do not pay business costs. Together business and common member assessment are 36% of the revenue sources (in 2015/16) 	Elected Single Owner Large Hotel 1 Hotel Lodging 2 Commercial Tenant/Independent 1 Non-Hotel (e.g. rentals) 2 Residential 1 Appointed Resort Operator 3 Total Directors 10	a rented multifamily (3 bedroom) accommodation \$1264.32 in 2018 (plus taxes)
Red Resort Association https://www.larchservices.com/red-resort-association	2007	140.96 ha	120 Strata lots, 2 Commercial units Red Resort chose to exclude some original residential developments. Resort area includes Slalom Creek, TMP Caldera & Morningstar, 140.96 ha	\$52,000 (2018 Draft Budget) <ul style="list-style-type: none"> Approximately 1/4 revenue coming from the Red Mountain Resort and remaining 3/4 from members (in 2018). 	Elected Members at large 2 Appointed Red Mountain Resort 1 Total Directors 3	owner who rents their unit for periods of time which are less than 30 days in length \$500 in effect 2013 bylaws
Silver Star Resort Association Task Force Proposal	2016 proposal	3,279 ha (Mirrors Controlled Recreation Area)	994 properties were petitioned	\$910,000 (proposed budget) <ul style="list-style-type: none"> Approx. 76% revenue coming from member assessments Of the member assessments 29% of the contribution is from the mountain operator and the remainder from the other fee contributing members 	Elected Residential 1 Residential Lodging 2 At large 2 Hotel Lodging 2 Commercial 1 Single Owner Hotel 1 Appointed Silver Star Resort 2 Total Directors 11	owner of 3+ bedroom accommodation offered for rent \$800



APPENDIX 5: Petition Certificate of Sufficiency

SCHEDULE 16

CERTIFICATE OF SUFFICIENCY

FOR ESTABLISHMENT OF THE SIVER STAR RESORT ASSOCIATION

I HEREBY CERTIFY that sufficient Petitions (as summarized below) **HAVE** been received for properties located within the Silver Star Resort Promotion Area (as outlined in the map attached to the Petition as Schedule 1) to proceed with the establishment of the Silver Star Resort Association in accordance with section 3 of the *Resort Associations Act* and section 212 of the *Community Charter*.

Project Name	Number of Properties	50% Majority Required for Project to Proceed	Number of Petitions Received as of December 14, 2018	Total Assessment - Land and Improvements	50% of Assessments Required for Project to Proceed	Total of Petitioners Assessments Received as of December 14, 2018
Establishment of the Silver Star Resort Association	994	497	529	\$356,049,947	\$178,024,974	\$200,698,950

EXECUTION(S):

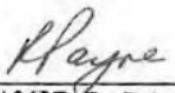
EXECUTION DATE:

OFFICER CERTIFICATION:

January 31st, 2019

Officer Signature(s)

Certified by:


RICHARD D. PAYNE
barrister & solicitor
#105 - 1485 SALISBURY AVENUE
PORT COQUITLAM, B.C., V3B 6A5
(604) 944-4115
FAX (604) 944-4120


Rick Beauchamp, President
R.A. Beauchamp & Associates
Local Government Consultants

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, 1996 R.S.B.C., c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

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From: [Mueller, Brent MAH:EX](#)
To: [Faganello, Tara MAH:EX](#)
Cc: [Edmondson, Marijke MAH:EX](#)
Subject: CONFIDENTIAL - Min Briefing
Date: February 5, 2020 12:43:01 PM

Hi Tara – briefing with Minister went well today s.13
s.13

Cheers ~ Brent

From: Mueller, Brent MMH-EX
To: Hunter, Bill FLNB-EX; Meeks, Tom FLNB-EX; Matlock, Amber TAC-EX; Bueckl, Dawn TAC-EX; Hlton, Peter BRB-EX
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 6, 2020 5:40:52 PM
Attachments: image002.png

Hi there – as I have mentioned in my phone calls, our Minister has a pending decision on whether or not to establish a *Resort Association* for the Silver Star Resort (background information below).

Before making a decision, our Minister would like to make sure that the **FLNRD** (Mountain Resort Branch), **MIRN** and **Tourism** have all been provided with advance notice.

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Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch

Ministry of Municipal Affairs and Housing

Province of British Columbia

(778) 698-3220

Silver Star Resort Association Proposal

Summary

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Silver Star Resort and the Proposed Resort Association

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From: Mueller, Brent MAH-EX
To: Kristina, Kaye MAH-EX; Taganilo, Tara MAH-EX
Co: Gedray, Vanessa R MAH-EX; Andrade, Ana MAH-EX; Edmondson, Marjike MAH-EX
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 6, 2020 5:32:10 PM
Attachments: image002.png
Importance: High
Sensitivity: Confidential

Hi there – s.13
s.13

Please let me know if you need anything further.
Cheers ~ Brent

From: Mueller, Brent MAH-EX
Sent: February 6, 2020 5:41 PM

To: Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Mattock, Amber TAC-EX; Rueck, Dawn TAC-EX; Hilton, Peter IRR-EX

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From: Kristina Kay MAH:EX
To: Mueller, Brent MAH:EX
Cc: Lapierre, Tara MAH:EX; Gedrey, Vanessa R MAH:EX; Andrade, Ana MAH:EX; Edmondson, Marilee MAH:EX
Subject: Re: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 6, 2020 7:59:09 PM
Attachments: image002.png
Sensitivity: Confidential

That sounds just right, thank you for following up so quickly. s.13

Thanks Brent.

Sent from my iPhone

On Feb 6, 2020, at 5:52 PM, Mueller, Brent MAH:EX wrote:

Hi there - s.13
s.13

Cheers ~ Brent

From: Mueller, Brent MAH:EX
Sent: February 6, 2020 5:41 PM

To: Hunter, Bill FLNR:EX; Meeks, Tori FLNR:EX; Mattock, Amber TAC:EX; Rueckl, Dawn TAC:EX; Hilton, Peter IRR:EX

Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

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<!--[if !vml]--> <!--[endif]-->

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From: Mueller, Brent MAH-EX
To: Rueckl, Dawn TAC-EX; Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Mattock, Amber TAC-EX; Hilton, Peter IRR-EX
Bcc: Kristina, Krava MAH-EX; Faganello, Tara MAH-EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Date: February 13, 2020 3:11:48 PM
Attachments: image002.png

Thanks Dawn – good to hear. Appreciate the response back. Cheers ~ Brent

From: Rueckl, Dawn TAC-EX
Sent: February 13, 2020 3:10 PM
To: Mueller, Brent MAH-EX; Hunter, Bill FLNR-EX; Meeks, Tori FLNR-EX; Mattock, Amber TAC-EX; Hilton, Peter IRR-EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Hi Brent

We have no concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort. Our Minister Lisa Beare is aware and supportive of the decision.

Thanks,
Dawn Rueckl
Manager, Tourism Policy & Programs
Tourism Branch
Ministry of Tourism, Arts and Culture (TAC)
Tel: 778.698.1802
Cell: 778.678.7350

From: Mueller, Brent MAH-EX <Brent.Mueller@gov.bc.ca>
Sent: February 6, 2020 5:41 PM
To: Hunter, Bill FLNR-EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR-EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC-EX <Amber.Mattock@gov.bc.ca>; Rueckl, Dawn TAC-EX <Dawn.Rueckl@gov.bc.ca>; Hilton, Peter IRR-EX <Peter.Hilton@gov.bc.ca>

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5

Galbraith, Joshua MAH:EX

From: Hunter, Bill FLNR:EX
Sent: February 7, 2020 11:25 AM
To: Mueller, Brent MAH:EX; Meeks, Tori FLNR:EX; Mattock, Amber TAC:EX; Rueckl, Dawn TAC:EX; Hilton, Peter IRR:EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi Brent,

Thanks for providing this notification and for keeping us apprised throughout the process.

As you are aware, the Mountain Resorts Branch of FLNRORD is the delegated decision maker for the Silver Star Mountain Resort Master Development Agreement and related *Land Act* and *Forest Act* authorizations that stem from this overarching agreement. The Mountain Resorts Branch does not have a role in resort marketing but recognizes its critical function for the success of the resort and supports a local governance model aligned with the Master Plan and Master Development Agreement.

Our office does not have any concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort.

Kind regards,
Bill

Bill Hunter | Director of Mountain Resorts Branch

Ministry of Forests, Lands and Natural Resource Operations and Rural Development
510 – 175 Second Avenue, Kamloops, BC V2C 5W1
Phone: 250-371-3936 | Fax: 250-371-3942

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Sent: February 7, 2020 1:16 PM
To: Hunter, Bill FLNR:EX; Mueller, Brent MAH:EX; Meeks, Tori FLNR:EX; Mattock, Amber TAC:EX; Rueckl, Dawn TAC:EX; Stark, Aurian IRR:EX; Stoudt, Rick IRR:EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi Brent

Thanks for this, and thanks for the phone message.

Looks good.

Best
Peter

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Hunter, Bill FLNR:EX"
Date: 2020-02-07 11:24 AM (GMT-08:00)
To: "Mueller, Brent MAH:EX" , "Meeks, Tori FLNR:EX" , "Mattock, Amber TAC:EX" , "Rueckl, Dawn TAC:EX" , "Hilton, Peter IRR:EX"
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi Brent,

Thanks for providing this notification and for keeping us apprised throughout the process.

As you are aware, the Mountain Resorts Branch of FLNRORD is the delegated decision maker for the Silver Star Mountain Resort Master Development Agreement and related *Land Act* and *Forest Act* authorizations that stem from this overarching agreement. The Mountain Resorts Branch does not have a role in resort marketing but recognizes its critical function for the success of the resort and supports a local governance model aligned with the Master Plan and Master Development Agreement.

Our office does not have any concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort.

Kind regards,
Bill

Bill Hunter | Director of Mountain Resorts Branch

Ministry of Forests, Lands and Natural Resource Operations and Rural Development
510 – 175 Second Avenue, Kamloops, BC V2C 5W1
Phone: 250-371-3936 | Fax: 250-371-3942

From: Mueller, Brent MAH:EX
Sent: February 6, 2020 5:41 PM

To: Hunter, Bill FLNR:EX; Meeks, Tori FLNR:EX; Mattock, Amber TAC:EX; Rueckl, Dawn TAC:EX; Hilton, Peter IRR:EX

Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi there – as I have mentioned in my phone calls, our Minister has a pending decision on whether or not to establish a *Resort Association* for the Silver Star Resort (background information below).

Before making a decision, our Minister would like to make sure that the FLNRORD (Mountain Resort Branch), MIRR and Tourism have all been provided with advance notice.

The purpose of this message is to share that we are moving to decision within the next couple of weeks. If established, the Silver Star Resort Association would be a locally run organization that would levy member fees for resort marketing and promotion. This tool is enabled under Provincial legislation (*Resort Association Act, Community Charter, Societies Act*) with the intent to support tourism.

I am hoping to received acknowledgement of this notice and any comments by the end of next week, Friday February 14th, after which I anticipate we will be moving forward to a decision.

Please let me know if you have any questions or require additional information.

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch

Ministry of Municipal Affairs and Housing

Province of British Columbia

(778) 698-3220

Silver Star Resort Association Proposal

Summary

- For the past few years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The Task Force submitted to proposal to the Ministry in late February 2019. <https://www.ilovesilverstar.com/>
 - To review proposal to Minister: https://26f6b6ec-2869-4545-8d28-d0a1e3e2902f.filesusr.com/ugd/bebac7_f92b27a45c70492bbebdb0fb2ad670f4.pdf
- Resort Associations are enabled under provincial legislation to help promote resort use in support of tourism.
- The Minister's role is to ensure the statutory conditions have been met prior to approving a proposal.
- For the past several months Ministry staff have been reviewing the proposal; seeking legal advice; and have carried out consultation with First Nations, in coordination with the Mountain Resort Branch.
- The matter is now before the Minister for decision.

Background

Provincial Interest

- There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.
- Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.
- British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

Resort Associations

- Resort associations are incorporated societies (i.e. not-for-profit) established for resort promotion.
- They collect levies from members (property owners) from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes.
- The last resort association established in the province was Red Resort in 2007. Other resort associations exist in Whistler (1979) and Sun Peaks (1996).

Silver Star Resort and the Proposal Resort Association

- Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon.
- The Resort is an important part of the north Okanagan regional economy, with over 1,500 employees and 500,000 visitors annually.
- They currently have a "Resort Association" fee not charged to all rental/commercial properties which the task force believes is an inadequate marketing tool.
- The proposed Silver Star Resort Association (SSRA), on an annual basis, would levy rental/commercial properties to create a budget for marketing and promotion activities.
 - Specifically SSRA would focus on: *"Marketing and sales; research; communications; special event planning and execution; and advocating on behalf of the community."*
- In developing their proposal, the Task Force: engaged directly with First Nations; made presentations to community groups and strata councils; held workshops and presentations to the Silver Star Property Owner Association; held three open houses in January, February and April 2017; undertook a community survey, and shared results; released 10 Newsletters from Spring 2016 to Spring 2018; and launched a website that included many of the engagement materials. The Task Force also made presentation to the regional district.

Statutory Conditions under Resort Association Act

- Before a proposal can be forwarded to the Minister these conditions must be met:
 - Proposal has to be for an area offering ski lift operations, year-round recreation and overnight accommodation – **Silver Star has these features ✓**

- Local government has to approve – ***Regional District of North Okanagan approved proposed maps and bylaws on February 21, 2018.*** ✓
- And a petition must be signed by 50% of property owners representing 50% of the tax base – ***verified petition results from December 21, 2019 were 53.2% and 56.4% respectively*** ✓

First Nations Consultation

- The proponent engaged directly with First Nations in the area s.13; s.16
s.13; s.16
- The file from the proponent includes a letter of support from the Splatshin First Nation.
- s.13; s.14; s.16

- There was follow-up with the OKIB as they advised no principle objections^{s.13; s.14; s.16}
s.13; s.14; s.16
-

- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

Galbraith, Joshua MAH:EX

From: Rueckl, Dawn TAC:EX
Sent: February 13, 2020 3:10 PM
To: Mueller, Brent MAH:EX; Hunter, Bill FLNR:EX; Meeks, Tori FLNR:EX; Mattock, Amber TAC:EX; Hilton, Peter IRR:EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi Brent

We have no concerns with regard to your Minister moving forward to a decision on the establishment of a Resort Association for Silver Star Mountain Resort. Our Minister Lisa Beare is aware and supportive of the decision. Thanks,

Dawn Rueckl
Manager, Tourism Policy & Programs
Tourism Branch
Ministry of Tourism, Arts and Culture (TAC)
Tel: 778.698.1802
Cell: 778.678.7350

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Sent: February 6, 2020 5:41 PM
To: Hunter, Bill FLNR:EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Hilton, Peter IRR:EX <Peter.Hilton@gov.bc.ca>
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Brent Mueller, MA
Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing

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-
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Galbraith, Joshua MAH:EX

From: Mueller, Brent MAH:EX
Sent: February 13, 2020 3:12 PM
To: Rueckl, Dawn TAC:EX; Hunter, Bill FLNR:EX; Meeks, Tori FLNR:EX; Mattock, Amber TAC:EX; Hilton, Peter IRR:EX
Subject: RE: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Thanks Dawn – good to hear. Appreciate the response back. Cheers ~ Brent

From: Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>
Sent: February 13, 2020 3:10 PM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>; Hunter, Bill FLNR:EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>; Hilton, Peter IRR:EX <Peter.Hilton@gov.bc.ca>
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Manager, Tourism Policy & Programs
Tourism Branch
Ministry of Tourism, Arts and Culture (TAC)
Tel: 778.698.1802
Cell: 778.678.7350

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Sent: February 6, 2020 5:41 PM
To: Hunter, Bill FLNR:EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Hilton, Peter IRR:EX <Peter.Hilton@gov.bc.ca>
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Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220

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-
- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

Galbraith, Joshua MAH:EX

From: Krishna, Kaye MAH:EX
Sent: February 19, 2020 2:30 PM
To: Faganello, Tara MAH:EX
Cc: Gedney, Vanessa R MAH:EX; Kubisheski, Carlee MAH:EX; Andrade, Ana MAH:EX; Wilkins, Christina MAH:EX; Mueller, Brent MAH:EX
Subject: Re: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

All clear to move ahead without feedback

Sent from my iPhone

On Feb 19, 2020, at 12:49 PM, Faganello, Tara MAH:EX wrote:

Hi Kaye,
Per below, did you receive any feedback from DMs?

From: Mueller, Brent MAH:EX
Sent: February 19, 2020 12:19 PM
To: Faganello, Tara MAH:EX
Cc: Wilkins, Christina MAH:EX ; Edmondson, Marijke MAH:EX
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi Tara – for program level contacts s.13

s.13

s.13 . So unless Kaye has heard anything from DMs (we asked for comments by last Friday) s.13

For next steps – s.13

s.13

- Program area (Director level signature):
 - Proponent – conveyance letter or regret letter with package
 - RD – information letter
 - First Nations – information letter.
- GCPE
 - Members of the public and other stakeholders will be covered by a news bulletin

Cheers ~ Brent

From: Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>

Sent: February 19, 2020 9:26 AM

To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>

Cc: Wilkins, Christina MAH:EX <Christina.Wilkins@gov.bc.ca>; Edmondson, Marijke MAH:EX <Marijke.Edmondson@gov.bc.ca>

Subject: RE: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Hi Brent,

So does this confirm/conclude all the feedback we were supposed to get? s.13

s.13

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Sent: February 13, 2020 3:14 PM
To: Krishna, Kaye MAH:EX <Kaye.Krishna@gov.bc.ca>; Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>
Cc: Gedney, Vanessa R MAH:EX <Vanessa.Gedney@gov.bc.ca>
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Along with TAC, MIRR and FLNRORD (staff level) are all in the know and supportive

From: Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>
Sent: February 13, 2020 3:07 PM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Cc: Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
See below.

From: Avison, Claire TAC:EX <Claire.Avison@gov.bc.ca>
Sent: February 13, 2020 2:59 PM
To: Shang, Cindy TAC:EX <Cindy.Shang@gov.bc.ca>; Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Subject: RE: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
MLB supports and has already communicated to MSR. Thanks for flagging.
Claire Avison | Assistant Deputy Minister | Ministry of Tourism Arts and Culture | Cell: 250-217-9059 | claire.avison@gov.bc.ca

From: Shang, Cindy TAC:EX
Sent: February 7, 2020 2:20 PM
To: Avison, Claire TAC:EX
Subject: FW: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Importance: High
For you to share with Shauna – Amber wants to make sure both you and Shauna are supportive of the proposed assessment.

From: Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>
Sent: February 7, 2020 1:29 PM
To: Shang, Cindy TAC:EX <Cindy.Shang@gov.bc.ca>
Cc: Portal, Vincent TAC:EX <Vincent.Portal@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>
Subject: Heads-up - CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Importance: High

Cindy,

I just wanted to flag the email below for Claire and Shauna. The Ministry of Municipal Affairs is putting forward a recommendation to establish a Resort Association for Silver Star Resort. They are seeking TAC's acknowledgement of this notice, before Friday next week.

We've reviewed and have no concerns with the proposal. Can you confirm Claire and Shauna are supportive of this assessment before we respond.

Essentially the proposal once approved, will allow the resort to begin collecting levies from accommodation properties so they can establish a resort based DMO (like Tourism Whistler or Tourism Sunpeaks) to assist in marketing the resort. It is not tied to the Resort Municipality Initiative.

Thanks,
Amber

From: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>

Sent: February 6, 2020 5:41 PM

To: Hunter, Bill FLNR:EX <Bill.Hunter@gov.bc.ca>; Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>; Mattock, Amber TAC:EX <Amber.Mattock@gov.bc.ca>; Rueckl, Dawn TAC:EX <Dawn.Rueckl@gov.bc.ca>; Hilton, Peter IRR:EX <Peter.Hilton@gov.bc.ca>

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s.13; s.16
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s.13; s.14; s.16
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- s.13; s.14; s.16
- In discussing the matter with the Ministry, the proponent has indicated a strong interest in working closely with OKIB.

Galbraith, Joshua MAH:EX

From: Mueller, Brent MAH:EX
Sent: February 6, 2020 5:41 PM
To: Hunter, Bill FLNR:EX; Meeks, Tori FLNR:EX; Mattock, Amber TAC:EX; Rueckl, Dawn TAC:EX; Hilton, Peter IRR:EX
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

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The purpose of this message is to share that we are moving to decision within the next couple of weeks. If established, the Silver Star Resort Association would be a locally run organization that would levy member fees for resort marketing and promotion. This tool is enabled under Provincial legislation (*Resort Association Act, Community Charter, Societies Act*) with the intent to support tourism.

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Please let me know if you have any questions or require additional information.

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220

Silver Star Resort Association *Proposal*

Summary

- For the past few years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The Task Force submitted to proposal to the Ministry in late February 2019. <https://www.ilovesilverstar.com/>
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Provincial Interest

- There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.
- Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.
- British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

Resort Associations

- Resort associations are incorporated societies (i.e. not-for-profit) established for resort promotion.
- They collect levies from members (property owners) from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes.
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Galbraith, Joshua MAH:EX

From: Mueller, Brent MAH:EX
Sent: February 6, 2020 5:53 PM
To: Krishna, Kaye MAH:EX; Faganello, Tara MAH:EX
Cc: Gedney, Vanessa R MAH:EX; Andrade, Ana MAH:EX; Edmondson, Marijke MAH:EX
Subject: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association

Importance: High
Sensitivity: Confidential

Hi there – s.13
s.13

Cheers ~ Brent

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Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
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(778) 698-3220

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Sent: February 6, 2020 7:59 PM
To: Mueller, Brent MAH:EX
Cc: Faganello, Tara MAH:EX; Gedney, Vanessa R MAH:EX; Andrade, Ana MAH:EX; Edmondson, Marijke MAH:EX
Subject: Re: CONFIDENTIAL - Notice re: Pending Decision - Proposed Silver Star Resort Association
Sensitivity: Confidential

That sounds just right, thank you for following up so quickly. s.13

s.13

. Thanks Brent.

Sent from my iPhone

On Feb 6, 2020, at 5:52 PM, Mueller, Brent MAH:EX wrote:

Hi there – s.13

s.13

Cheers ~ Brent

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- (
-)
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From: [Mueller, Brent MAH:EX](#)
To: [Porter, Dianna MAH:EX](#)
Cc: [Lee, Catherine MAH:EX](#)
Subject: FW: Contact Information
Date: March 1, 2020 12:08:52 AM

Please note. Thanks

From: s.22
Sent: February 28, 2020 5:02 PM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Cc: Tim Dekker s.22
Subject: Contact Information

Hi Brent

As I mentioned, ^{s.22}

I wil have my computer with me and will have access to the internet. I can be reached at ^{s.22}

When the Minister reaches a decision on the proposed Silver Star Resort Association submission, it would be appreciated if you could advise Tim Dekker, Co-Chair of the Silver Star Task Force directly with a copy to me. Tim's email address is ^{s.22}

The Task Force's lawyer has changed and is now Chris Cavanagh with MJB Lawyers. Chris' email address is cfc@mjbllaw.com and his address is 700 - 275 Lansdowne St., Kamloops, BC, V2C 6H6.

Best,

Jim

Page 099 of 259 to/à Page 114 of 259

Withheld pursuant to/removed as

s.13; s.14; s.16

From: [MAH LG Governance MAH:EX](#)
To: [XT:Belanger, Hilda Okanagan Indian Band EAO:IN](#)
Subject: Proceeding with decision on Silver Star Resort Association
Date: December 16, 2019 11:06:00 AM
Attachments: 251191_Louis B_Silver Star Resort Association_Silver Star_REL.pdf

Good Morning,

The attached correspondence is being sent on behalf of Brent Mueller, Director – Governance Relations, with the Ministry of Municipal Affairs and Housing regarding the Silver Star Marketing Task Force’s proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan.

Kind Regards,

Rebecca Elliott

Administrative Assistant | Governance and Structure

Ministry of Municipal Affairs & Housing

Phone: 250 387 4020 | Fax: 250-387-7972 | Email: Rebecca.Elliott@gov.bc.ca



Please consider the environment before printing this email



December 16, 2019

Ref: 251191

Chief Byron Louis
12420 Westside Road
Vernon, BC V1H 2A4

Email: okibadmin@okanagan.org

Dear Chief Byron Louis and Council:

RE: Proceeding with decision on Silver Star Resort Association.

The Ministry of Municipal Affairs and Housing (Ministry) is informing the Okanagan Indian Band (OKIB) that the Ministry is proceeding to the decision-making phase regarding the Silver Star Marketing Task Force's proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan.

Thank you for your July 22, 2019 response to the letter sent regarding the potential formation of the Silver Star Resort Association (SSRA). Since sending a response to this on September 10, 2019 we have not received anything further from OKIB about the SSRA proposal.

A resort association (RA) is an incorporated society established under provincial legislation to promote a resort. RAs are accountable to their members (e.g. property owners in the area covered) for RA activities and financial management.

The creation of a resort association requires that the Minister take three actions:

- order establishment of a "resort promotion area" [RAA s. 2(1)];
- specify "resort lands" within the resort promotion area, lands which will be subject to the levies of the resort association and incorporate an association [RAA s. 3(1)]; and
- approve the bylaws of the association [RAA s. 3(5)(a)].

.../2

The Ministry intends to proceed with a decision regarding the above proposal after January 27, 2020. If you have any questions or concerns regarding this proposal, please contact me by email at Brent.Mueller@gov.bc.ca or by phone at 778-698-3220.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Mueller". The signature is fluid and cursive, with the first name "Brent" and last name "Mueller" clearly distinguishable.

Brent Mueller
Director, Governance Relations

Page 118 of 259 to/à Page 126 of 259

Withheld pursuant to/removed as

s.13; s.14

From: Mueller, Brent MAH:EX
To: Tim Dekker; "cfc@mjbblaw.com"; "Jim Godfrey"
Cc: Elliott, Rebecca MAH:EX; Porter, Dianna MAH:EX
Subject: Minister's Decision re: Silver Star Resort Association
Date: March 10, 2020 2:09:02 PM
Attachments: M059-2020 Promotion Area.pdf
M060-2020 Resort Land and name.pdf
STAT APP OIC RAA Silverstar Resort Association.pdf
Bylaws Associated with the Stat App done.pdf
252473 DIR Cavanagh C Silver Star Resort Association Proposal Silver Star REL.pdf

Good afternoon – The Minister has approved the Task Force's proposal to establish the Silver Star Resort Association. Copies of the relevant decision materials are attached and a hard copy will be sent to:

MJB Lawyers Attention: Chris Cavanagh
700 - 275 Lansdowne St.,
Kamloops, BC, V2C 6H6

To view the Ministry's information bulletin please go to: <https://news.gov.bc.ca/21750>

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF
MUNICIPAL AFFAIRS AND HOUSING

Resort Association Act

Ministerial Order No. M059

WHEREAS The Minister of Municipal Affairs and Housing (the "Minister") is satisfied that Silver Star Resort Promotion Area offers alpine ski lift operations, year-round recreational facilities and commercial overnight accommodation.

WHEREAS The Minister has been requested to establish the Silver Star Resort Promotion Area as outlined in bold on the map attached as Schedule "A" (the "Silver Star Promotion Area").

WHEREAS The Minister is satisfied that the Board of the Regional District of North Okanagan has approved the establishment of the Silver Star Resort Promotion Area.

WHEREAS The Minister is satisfied that there are no municipalities located in the Silver Star Promotion Area.

NOW THEREFORE, I, Selina Robinson, Minister of Municipal Affairs and Housing, order that pursuant to section 2, subsection (1) of the *Resort Associations Act* that the area outlined in bold on the map attached as Schedule "A" be established as the Silver Star Resort Promotion Area.

Date Feb 25, 2020

Minister of Municipal Affairs and Housing

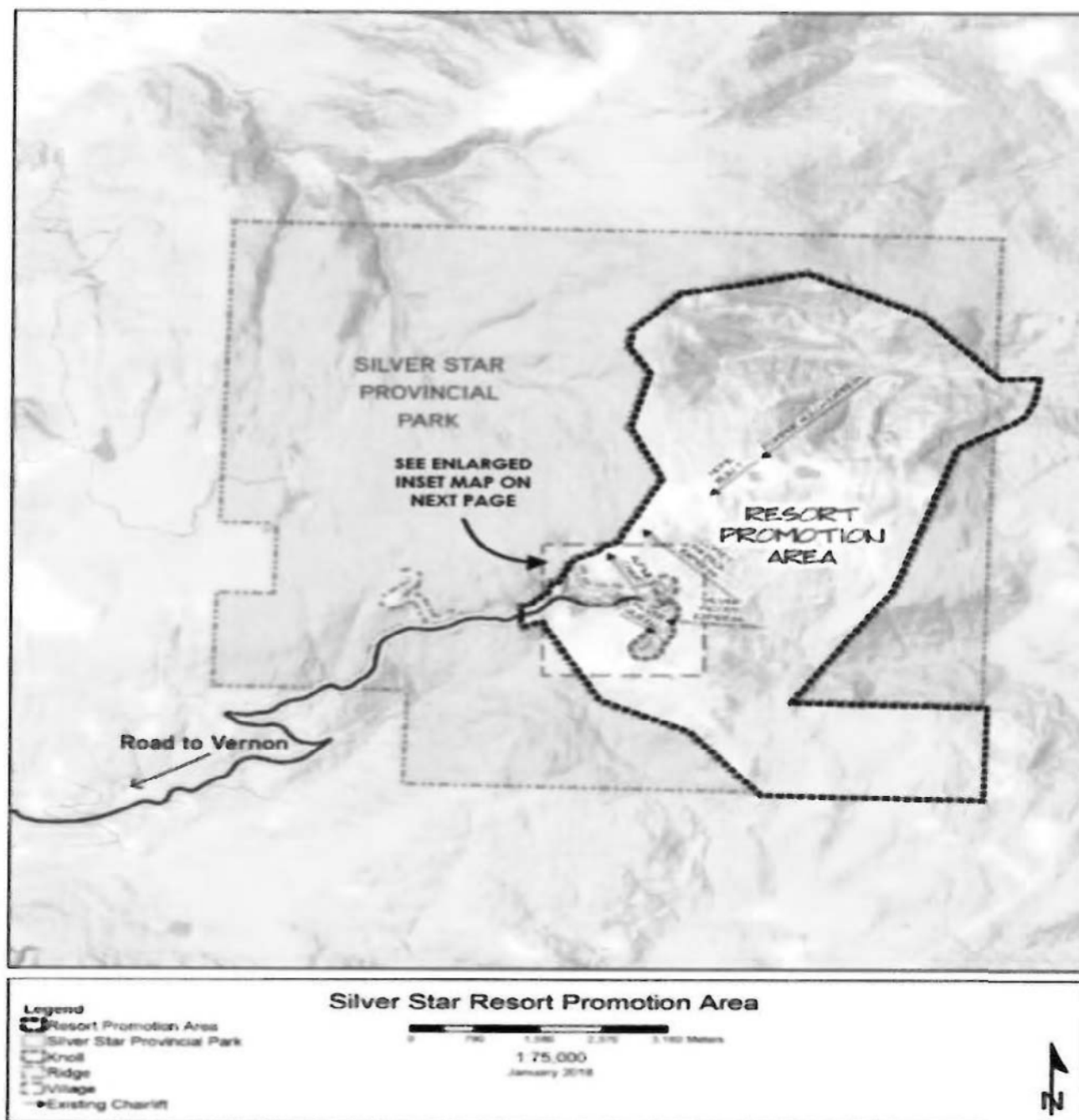
(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Resort Association Act, section 2(1)

Other: _____

SCHEDULE A
RESORT PROMOTION AREA





PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF

MUNICIPAL AFFAIRS AND HOUSING

Resort Association Act

Ministerial Order No. M060

WHEREAS The Minister of Municipal Affairs and Housing (the "Minister") has, pursuant to s.2 (1) of the *Resort Association Act* established the Silver Star Promotion Area outlined in bold on the map attached as Schedule "A".

WHEREAS The Minister is satisfied that a petition of landowners in the area outlined in bold on the map attached as Schedule "A" is sufficient and valid to specify Resort Land according to Schedule "B" and incorporate the Silver Star Resort Association.

NOW THEREFORE, I, Selina Robinson, Minister of Municipal Affairs and Housing, order that pursuant to section 3, subsection (1) of the *Resort Associations Act* that:

1. The area outlined in dashed black bold on the map attached as Schedule "B" be specified as Resort Land; and
2. A resort association is hereby incorporated under the name "Silver Star Resort Association".

Feb 25, 2020
Date


Minister of Municipal Affairs and Housing

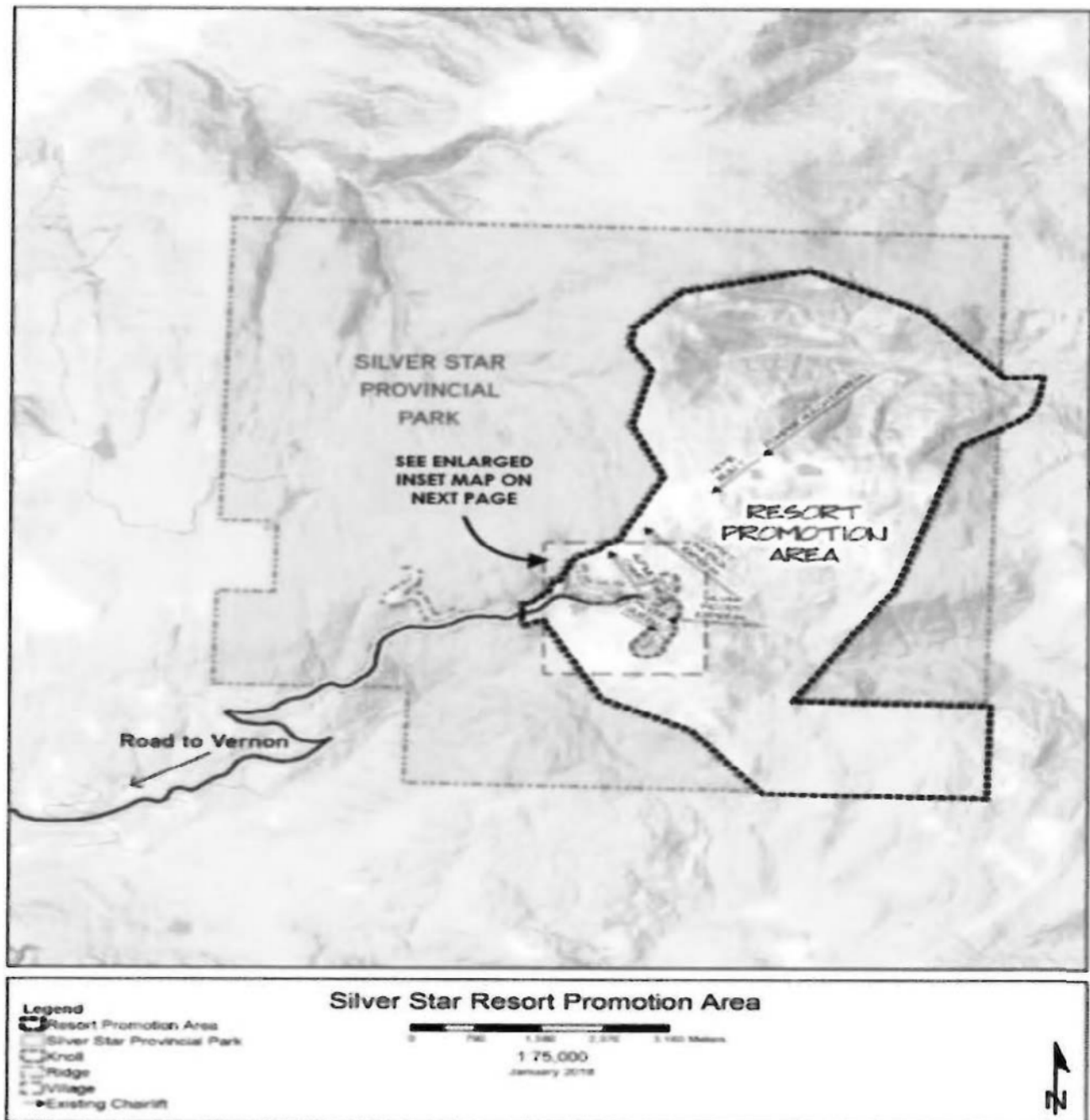
(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Resort Association Act, section 3(1)

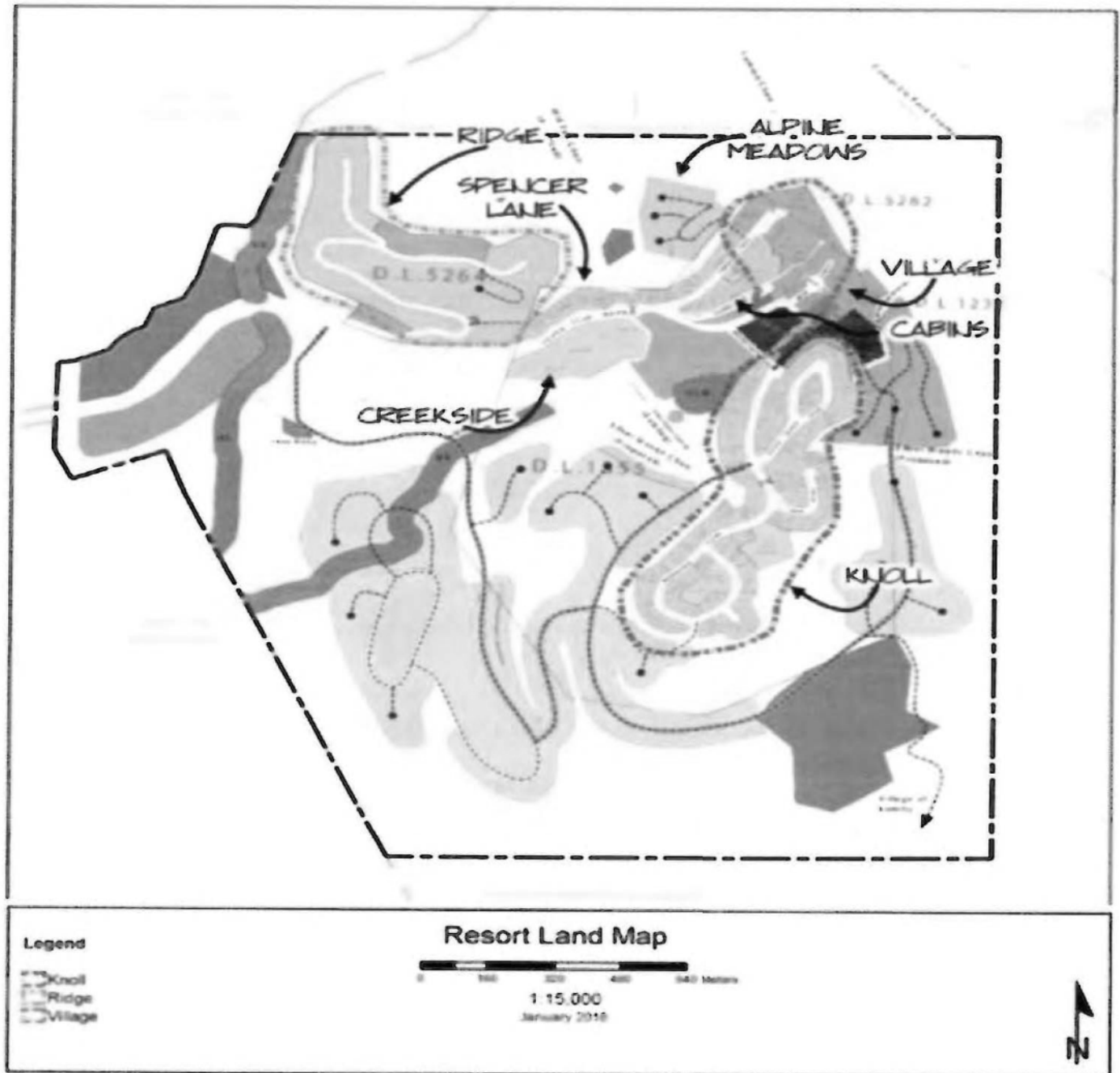
Other: _____

**SCHEDULE A
RESORT PROMOTION AREA**





**SCHEDULE B
RESORT LAND**





No. 20200021

Statutory Approval

Under the provisions of sections 3 (5)

of the Resort Associations Act

I hereby approve the bylaws of the

Silver Star Resort Association

a copy of which is attached hereto.

Dated this 25th ***day***
of February ***, 2020***



Selina Robinson
Minister of Municipal Affairs and Housing

SILVER STAR RESORT ASSOCIATION BYLAWS

BY-LAWS

Of

The Silver Star Resort Association

Part 1

INTERPRETATION

1. INTERPRETATION

1.1 In these By laws, unless there is something in the subject or context inconsistent therewith:

"Act" means the Resort Associations Act, R.S.B.C. 1996, c. 320, as amended from time to time;

"Assessments" or "Assessment" means all amounts paid or required to be paid to the SSRA by members and stipulated as levies pursuant to Part 20 of these By-laws;

"Auditor" means a person qualified to act as an auditor of a society in accordance with the *Societies Act*;

"Board" means the Board of Directors of the SSRA, in office from time to time;

"Carry on Business" or "Carries on Business" means, in regards to any Person, conducting or offering to conduct a business of any scale or magnitude, including without limitation any commercial business, Home Based Business, property

booking or property management business, other than the direct rental of such Person's own Resort Lots to the Public;

"Commercial Owner" means an Owner of a Commercial Resort Lot;

"Commercial Resort Lot" means any Resort Lot, or any portion thereof, which is used for any commercial or industrial activity other than the rental of accommodation to the Public;

"Contributing Member" means a member who irrevocably agrees to pay the Assessment as set out in 20.2(b) and is designated by the SSRA as a Contributing Member;

"Developing Resort Lot" means any Resort Lot which is bare land or on which improvements are being constructed, but are not yet substantially complete;

"Director" means a member of the Board, and "Directors" means more than one of them;

"Home Based Business" means a commercial undertaking carried on for gain or profit which is accessory and subordinate to the principal residential use of the dwelling unit and such commercial undertaking provides goods or services to the SSRA community;

"Hotel Lodging" means a facility comprised of one or more buildings, or more than one Resort Lot, which:

- a) provides accommodation to the Public; and
- b) has the services on its premises of a front desk that is manned continuously at least 2 hours a day for more than 75 days in any consecutive 365-day period;

"Hotel Lodging Resort Lot" means a Resort Lot which is part of a Hotel Lodging that has been substantially completed or operates;

"Joint Owners" means Owners who share the ownership of a Resort Lot including Owners registered with the BC Land Titles Office as "joint tenants" or as "tenants in common" in respect to a Resort Lot and "Joint Owner" means any one of them;

"Land Title Act" means the Land Title Act, R.S.B.C. 1996, c. 250, as amended from time to time;

"Non-Resident Business Owner" is any Person that Carries on Business within the Resort Promotion Area that is not physically located on a Resort Lot;

"Occupier" means any Person who exclusively occupies a Resort Lot by a contractual or licensed right, but is not the Owner thereof;

"Ordinary Resolution" means:

- a) a resolution passed by the members of the SSRA in a general meeting by a simple majority of votes cast in person or by proxy; or
- b) a resolution that has been submitted to the members of the SSRA who would have been entitled to vote thereon in person or by proxy at a general meeting of the SSRA whose membership carries not less than $\frac{3}{4}$ of the votes entitled to cast thereon; and a resolution so consented to shall be deemed to be an Ordinary Resolution passed at a general meeting of the SSRA;

"Owner" means

- a) the owner of an estate in fee simple registered under the Land Title Act; or
- b) a person in possession of Crown land under a lease, license, agreement for sale, easement statutory right of way or other instrument under the *BC Land Act*; or
- c) the tenant under a Lease for a term of thirty (30) years or more.

"Person" includes an individual, corporation, body corporate, partnership, joint venture, association, trust or unincorporated organization, or any trustee, executor, administrator or other legal representative thereof;

"Public", in respect to a Resort Lot, means any Person other than the Owner, or an Occupier, of that Resort Lot;

"RDNO" means the Regional District of North Okanagan;

"Residential Lodging" means that part of a facility or other dwelling unit that is not a Hotel Lodging or a Single Owner Hotel Lodging, that offers rental accommodation to the Public and, without restricting the generality of the foregoing, includes the following:

- a) any facility which contains strata title condominiums which can be rented through a rental management service or rented by the Owner;
- b) pensions and bed and breakfast type lodgings;
- c) single family dwelling units;
- d) duplex units;

"Residential Lodging Resort Lot" means a Resort Lot on which a Residential Lodging has been substantially completed or operates;

"Residential Resort Lot" means a Resort Lot which is never offered as rental accommodation for the Public, and which is not a Developing Resort Lot or a Commercial Resort Lot;

"Residential Tenant" means an individual who is an Occupier of the same Residential Lodging Resort Lot for a period that is equal to or greater than 28 consecutive days, but such individual is not a Tourism Agent of the Owner such Residential Lodging Resort;

"Resort Land" means, collectively:

- a) the land located in the Resort Promotion Area that has been specified as "resort land" by the minister pursuant to the Act, all as shown outlined in bold black on the map attached as Schedule "A" to these By-laws; and
- b) the land located in the Resort Promotion Area that has not been specified as "resort land" by the minister pursuant to the Act, but the Owner of which becomes a member of the SSRA pursuant to By-law 3.1 c);

"Resort Lot" means, collectively:

- a) any lot, block or other area in which Resort Land is held, or into which Resort Land is subdivided; and

- b) any portion of such lot, block or other area which is divided by contract and not by legal subdivision thereof, where possession of such divided portions are granted by contract or license to a Person other than the Owner thereof;

"Resort Promotion Area" means an area that has been established as a "resort promotion area" by order of the minister pursuant to the Act, as shown outlined in bold black on the map attached as Schedule "B" to these By-laws;

"Seal" means the common seal of the SSRA;

"Services" has the meaning as set out in By-law 2.1;

"Silver Star Mountain Operator" means the Person that is the principal operator from time to time of the skiing facilities and ancillary business, functions or activities on the Resort Land at Silver Star Mountain, British Columbia;

"Single Owner Hotel Lodging" means a facility in one (1) location which has more than twenty (20) rooms all owned by the same Person or Persons, which are offered to the Public as rental accommodation, and if such lodging otherwise qualifies as a Hotel Lodging, then it shall be deemed for the purposes of these By-laws to not qualify as a Hotel Lodging;

"Single Owner Hotel Lodging Resort Lot" means a Resort Lot on which a Single Owner Hotel Lodging has been constructed or commenced operations;

"Sleeping Room" means:

- a) a room used primarily for sleeping; or
- b) a room that is advertised to the public as a "bedroom" or advertised to the public as a room used primarily for sleeping;

"Societies Act" means the *Societies Act*, S.B.C. 2015, c. 18, as amended from time to time;

"Special Resolution" means:

- a) a resolution passed by majority of not less than $\frac{3}{4}$ 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:
 - i. of which 21 days' notice specifying the intention to propose the resolution as a special resolution, has been duly given; or
 - ii. if every member entitled to attend and vote at any such meeting so agrees, at a meeting of which less than 21 days' notice has been given; or
- b) a resolution consented to in writing by every member of the SSRA who would have been entitled to vote thereon in person or by proxy at a general meeting of the SSRA and a resolution so consented to shall be deemed to have been duly passed at a general meeting of the SSRA;

"SSRA" means The Silver Star Resort Association; and

"Tourism Agent" means a person who:

- a) purchases accommodation from a vendor and
 - b) for payment, makes all or any part of that accommodation available for use by one or more Persons as part of a tourism service or rental management service.
- 1.2 Expressions referring to writing shall be construed as including references to printing, lithography, typewriting, photography and other modes of representing or reproducing words in the visible form.
- 1.3 Words importing the singular include the plural and vice versa, and words importing male persons include female persons and words importing persons shall include corporations.
- 1.4 The meaning of any words or phrases defined in the *Societies Act* shall, if not inconsistent with the subject context, bear the same meaning in these By-laws.

- 1.5 The Rules of Construction contained in the *Interpretation Act* on the date these By-laws take effect shall apply, mutatis mutandis to the interpretation of these By-laws.

PART 2

PROGRAMS AND SERVICES

2. PROGRAMS AND SERVICES

- 2.1 The purposes of the SSRA are to promote, facilitate and encourage the development, maintenance and operation of the Silver Star Resort Promotion Area. Without limiting the generality of the foregoing, the following programs and/or services may be provided by the SSRA:

- a) Marketing and sales;
- b) Communications;
- c) Research;
- d) Central booking;
- e) Signage;
- f) Common area development, maintenance and operation;
- g) Special event planning and execution;
- h) Visitor information services; and
- i) Advocating for the resort community.

(the above-listed programs and services are collectively, the "Services")

- 2.2 Upon incorporation of the SSRA, the SSRA shall provide and include in its budget the following Services:

- a) Marketing and sales;
- b) Communications;
- c) Research;
- d) Special event planning and execution; and
- e) Advocating for the resort community.

- 2.3 Subject to approval by a Special Resolution, the SSRA may add to its annual budget any or all of the Services as it deems necessary to carry out its purposes.

- 2.4 Subject to approval by a Special Resolution, the SSRA may, in addition to the above listed Services, undertake such other programs and/or services as it deems necessary to carry out its purposes.

PART 3

MEMBERSHIP

3. MEMBERSHIP

- 3.1 The following Persons shall become members of the SSRA:
- a) the Silver Star Mountain Operator;
 - b) each Owner of a Resort Lot; and
 - c) Persons who qualify to apply for membership under By-law 3.2 and who are accepted as members by the Board.
- 3.2 The following Persons may apply to be members:
- a) an Owner of land, whose land is within the Resort Promotion Area, but which land has not been specified as "resort land" by the minister pursuant to the Act;
 - b) a Non-Resident Business Owner;
 - c) an Occupier; and
 - d) Persons who are a Tourism Agent of an Owner of a Resort Lot.
- 3.3 Such prospective members may apply to become a member of the SSRA by filing an application with the SSRA in such form as the Board may from time to time prescribe together with such further information as may be required by the Board. The Board shall consider each application for membership and may accept or reject any such application, in their arbitrary and sole discretion. If the application for membership is accepted, the applicant shall become a member of the SSRA immediately upon paying the Assessment levied by the Board for such membership.

- 3.4 On becoming a member of the SSRA, the land owned by an Owner referred to in By-law 3.2 a) above is deemed to be "resort land".
- 3.5 Every member shall pay Assessments to the SSRA in the amount and manner specified in Part 20 of these By-laws, and shall otherwise comply with these By-laws.
- 3.6 A Person shall cease to be a member of the SSRA:
- a) in the case of members admitted pursuant to By-law 3.2:
 - i. upon their written resignation as member;
 - ii. when the Board notifies him in writing that he no longer meets the requirements for membership and is no longer a member;
 - iii. when that Person has been a member not in good standing for a period in excess of four consecutive months;
 - iv. on his death or in the case of a member that is not a natural person, on dissolution or similar action; or
 - v. on being expelled;
 - b) in the case of a particular Person that is the Silver Star Mountain Operator, immediately when they cease to be the principal operator from time to time of the skiing facilities and ancillary business, functions or activities within the Resort Promotion Area; or
 - c) in the case of an Owner, immediately when they cease to be an Owner of a Resort Lot.
- 3.7 A member, other than the Silver Star Mountain Operator, may be expelled by a special resolution of the members passed at a general meeting on the following conditions:
- a) The notice of special resolution for expulsion shall be accompanied by a brief statement of the reason for the proposed expulsion; and

- b) The member who is the subject of the expulsion shall be given an opportunity to be heard at the general meeting before the special resolution is put to a vote.

In the event of the expulsion of a member that is an Owner of a Resort Lot, they shall still be liable for Assessments.

- 3.8 All members are in good standing except a member who has failed to pay his current annual Assessments or any other debt due and owing by him to the SSRA and he is not in good standing so long as the debt remains unpaid.
- 3.9 Each Owner must give the SSRA written notice of any disposition of their interest in a Resort Lot.
- 3.10 Subject to approval of the members of the SSRA by a Special Resolution and the approval of the Ministry and the RDNO, the Board may designate different classes of membership for existing members, or create or add classes of membership, having such rights and privileges and subject to such restrictions as the Board shall by resolution determine.

PART 4

BORROWING POWERS

4. BORROWING POWERS

- 4.1 Subject to the Act, the Directors may, by resolution, cause the SSRA to borrow such sums of money on such terms and on such security as the Directors may determine and as specified in the resolution of the Directors, provided always that the SSRA shall not issue any debentures.
- 4.2 To raise or secure the payment of any sum of money borrowed by the SSRA in accordance with Bylaw 4.1, the Board may mortgage, pledge, hypothecate and charge all or any part of the property of the SSRA.
- 4.3 The persons entitled to sign documents on behalf of the SSRA shall be those authorized in the applicable resolution of the Board. If no persons are authorized

in a resolution of the Board, then documents may be executed on behalf of the SSRA by any two officers of the SSRA.

- 4.4 Notwithstanding any of the above provisions, other than for cash-flow purposes, the SSRA must obtain approval by a Special Resolution to borrow amounts greater than \$250,000 in aggregate.

PART 5

GENERAL MEETINGS

5. GENERAL MEETINGS

- 5.1 The first annual general meeting of the SSRA shall be held within 12 months from the date of incorporation and thereafter an annual general meeting shall be held once in every calendar year at such time and place as may be determined by the Board.
- 5.2 Every general meeting other than an annual general meeting is an extraordinary general meeting.
- 5.3 The Board may, whenever they deem necessary, convene a general meeting. If requisitioned by the members in accordance with the *Societies Act*, a general meeting shall be convened by the Board or, if not convened by the Board, may be convened by the requisitionists as provided under the *Societies Act*.
- 5.4 A notice convening a general meeting specifying the place, the day, and the hour of the meeting, and in case of special business, the general nature of that business, shall be given as required pursuant to the *Societies Act* and in the manner hereinafter mentioned in these By-laws, to such Persons as are entitled by law or under these By-laws to receive such notice from the SSRA. Accidental omission to give notice of a meeting to or the non-receipt of notice of a meeting by any member shall not invalidate the proceedings at that meeting.
- 5.5 All the members of the SSRA entitled to attend and vote at a general meeting may, by unanimous consent in writing given before, during or after the meeting, or if they are present at the meeting by a unanimous vote, waive or reduce the period of notice of such meeting and an entry in the minute book of such waiver or reduction shall be sufficient evidence of the due convening of the meeting.

- 5.6 Except as otherwise provided by the *Societies Act*, where any business at a general meeting includes considering, approving, ratifying, adopting or authorizing any document or the execution thereof or the giving of effect thereto, the notice convening the meeting shall, with respect to such document, be sufficient if it states that a copy of the document or proposed document is or will be available for inspection by members at the registered office, head office of the SSRA or at such other place in British Columbia designated in the notice during usual business hours up to the date of such general meeting.

PART 6

PROCEEDINGS AT GENERAL MEETINGS

6. PROCEEDINGS AT GENERAL MEETINGS

- 6.1 All business shall be deemed special business which is transacted at:
- a) a general meeting other than the adoption of any rules of order; and
 - b) an annual general meeting, with the exception of: (i) the consideration of the financial statements; (ii) the respective reports of the Board and Auditor; (iii) the election of Directors; (iv) the appointment of the Auditor; and, (v) such other business as by these By-laws or the *Societies Act* which ought to be transacted at an annual general meeting without prior notice thereof being given to the members of any business which is brought under consideration by the report of the Board.
- 6.2 No business, other than election of the Chair or the adjournment of the meeting, shall be transacted at any general meeting unless a quorum of members, entitled to attend and vote, is present at the commencement of the meeting, but the quorum need not be present throughout the meeting.
- 6.3 The quorum at all general meetings shall be ten (10) members entitled to vote, present in person, by proxy, or, if not a natural person, by appointed representative. The Directors, officers, the Auditor and the lawyer of the SSRA shall be entitled to attend at any general meeting but no such person shall be counted in the quorum or be entitled to vote at any general meeting unless he shall be a member or proxy holder entitled to vote thereat.

6.4 If within half an hour from the time appointed for a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the persons present and:

- a) being a member, or
- b) representing a member by proxy, or
- c) being the appointed representative of a member that is not a natural person,

shall be a quorum.

6.5 Subject to By-law 6.6, the Chair of the Board, the Vice-Chair, or in the absence of both, one of the other Directors or the lawyer of the SSRA present, shall preside as Chair of a general meeting.

6.6 If at a general meeting:

- a) there is no Chair of the Board, Vice-Chair, other Director or the lawyer of the SSRA present within 15 minutes after the time appointed for holding the meeting; or
- b) the Chair of the Board, Vice-Chair, all the other Directors and the lawyer for the SSRA present are unwilling to act as Chair of the meeting;

The members present shall choose one of their number to be Chair of the meeting.

6.7 The Chair may and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 28 days or more, 14 days' notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice to an adjourned meeting or of the business to be transacted at an adjourned meeting.

- 6.8 No motion proposed at a general meeting need be seconded and the Chair may propose or second a motion.
- 6.9 Subject to the provisions of the *Societies Act* and these By-laws, at any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless (before or on the declaration of the result of the show of hands) a poll is directed by the Chair of the meeting. The Chair of the meeting shall declare to the meeting the decision on every question in accordance with the result of the show of hands or the poll, and such decision shall be entered in the book of proceedings of the SSRA. A declaration by the Chair of the meeting that a resolution has been carried, or carried unanimously, or by a particular majority, or lost or not carried by a particular majority and an entry to that effect in the minutes of the meeting of the SSRA shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- 6.10 In case of an equality of votes, whether on a show of hands or on a poll, if they are also a member with voting rights, the Chair of the meeting at which the show of hands takes place or at which the poll is demanded shall not be entitled to a second or casting vote arising from their role as Chair of the meeting.
- 6.11 No poll shall be demanded on the election of a Chair of a meeting. A poll demanded on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken as soon as, in the opinion of the Chair of the meeting, is reasonably convenient, but in any event within 14 days and at such time and place and in such manner as the Chair of the meeting directs. The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded. Any business other than that upon which the poll has been demanded may proceed pending the taking of the poll. A demand for a poll may be withdrawn. In any dispute as to the admission or rejection of a vote the decision of the Chair of the meeting made in good faith shall be final and conclusive.
- 6.12 Every ballot cast upon a poll and every proxy appointing a proxy holder who casts a ballot upon a poll shall be retained by the SSRA for such period and be subject to such inspection as the *Societies Act* may provide.

- 6.13 Unless the *Societies Act* or these By-laws otherwise provide, any action to be taken by a resolution of the members may be taken by an Ordinary Resolution.

PART 7

VOTES OF MEMBERS

7. VOTES OF MEMBERS

- 7.1 Subject to the provisions set forth in these By-laws and the *Societies Act*:
- a) on a show of hands, every member present in person, by proxy or by authorized representative, who is entitled to vote at a general meeting, shall have one vote; and
 - b) on a poll, every member entitled to vote on that poll at a general meeting, who is present in person, by proxy or by authorized representative, shall:
 - i. in the case of an Owner, have one vote for each Resort Lot that it is the Owner of; and
 - ii. in the case of any other member, have one vote;

Notwithstanding anything in these By-laws to the contrary, only members who are in good standing shall be entitled to vote at a general meeting.

- 7.2 Any member of the SSRA which is not a natural person, may provide the SSRA with written notification it has authorized a person, as it thinks fit to act as its representative at any general meeting or class meeting. The person so authorized shall be entitled to exercise in respect of and at such meeting the same powers on behalf of the member which he represents as that member could exercise if it were an individual member personally present, including, without limitation, the right, unless restricted by such resolution, to appoint a proxy holder to represent such member, and shall be counted for the purpose of forming a quorum if present at the meeting. Evidence of the authorization of any such representative may be sent to the SSRA by written instrument, telegram, facsimile, or any method of transmitting legibly recorded messages.
- 7.3 In the case of members who are Joint Owners of a Resort Lot, such members shall collectively have only one vote arising out of their respective interests in

such Resort Lot. The vote of the person who exercises a vote of a Joint Owner, whether in person or by proxy holder, shall be accepted to the exclusion of the votes of the other members who are Joint Owners of that Resort Lot; and for this purpose seniority shall be determined by the order in which the names stand in the register of members. Several legal personal representatives of a deceased member who is an Owner of a Resort Lot shall be deemed to be Joint Owners of such Resort Lot for the purpose of this By-law.

- 7.4 A member of unsound mind entitled to attend and vote, in respect of whom an order has been made by any court having jurisdiction, may vote, whether on a show of hands or on a poll, or by his committee, curator bonus, or other person in the nature of a committee or curator bonus appointed by that court, or any such committee, curator bonus, or other person may appoint a proxy holder.
- 7.5 A member is entitled to appoint one or more proxies to attend, act and vote for him at any meeting, which the member is entitled to attend and vote as a member. Such a member shall specify the voting rights a proxy shall be entitled to vote. The appointment of a proxy is revocable.
- 7.6 A form of proxy shall be in writing under the hand of the appointor or of his attorney duly authorized in writing or, if the appointor is not a natural person, under the hand of an authorized signatory. A proxy holder need not be a member of the SSRA.
- 7.7 A form of proxy shall be deposited at the registered office of the SSRA or at such other place specified for that purpose in the notice convening the meeting, not less than 48 hours (excluding Saturdays, Sundays and holidays) or such lesser period as the Board may from time to time determine before the time for holding the meeting in respect of which the person named in the instrument is appointed. If the appointor of the form of proxy appoints by way of an attorney, then power of attorney under which the appointment has been made shall be deposited together with the proxy form. If the Board determine proxies may be deposited less than 48 hours (excluding Saturdays, Sundays and holidays) prior to a meeting (or an adjournment thereof), then the proxies (together with power of attorney, if any) may be sent by facsimile may be acted upon as though the proxies themselves were deposited as required by this Part and votes given in accordance with such regulations shall be valid and shall be counted.

- 7.8 Unless the *Societies Act* or any other statute or law which is applicable to the SSRA requires any other form of proxy, a proxy, whether for a specified meeting or otherwise, shall be in the form following, but may also be in any other form that the Board or the Chair of the meeting shall approve.

PROXY

THE SILVER STAR RESORT ASSOCIATION

PROXY APPOINTMENT

[Single meeting, unlimited by default]

[I/We], [specify], being members of the SSRA, appoint [specify], or failing [him/her], [specify] to act as [my/our] proxy at the general meeting to be held on [month, day, year].

Limitations on Proxy, if any *[nil unless otherwise stated]*

Date: *[month, day, year]*.

Signature of Member

Print Name

- 7.9 A vote given in accordance with the terms of a proxy is valid notwithstanding the previous death or incapacity of the member giving the proxy or the revocation of the proxy or of the authority under which the form of proxy was executed or the transfer of the membership in respect of which the proxy was executed or the transfer of the membership in respect of which the proxy is given, provided that no notification in writing on such death, incapacity, revocation or transfer shall have been received at the registered office of the SSRA or by the Chair of the meeting or adjourned meeting for which the proxy was given before the vote is taken.

- 7.10 Every proxy may be revoked by an instrument in writing:

- a) executed by the member giving the same or by his attorney authorized in writing or, where the member is not a natural person, under the hand of an authorized signatory; and
- b) delivered either to the registered office of the SSRA at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof at which the proxy is to be used, or to the Chair of the meeting on the day of the meeting or an adjournment thereof before any vote in respect of which the proxy is to be used shall have been taken; or
- c) in any other manner provided by law.

PART 8

DIRECTORS

8. DIRECTORS

- 8.1 No Director shall be paid for serving as a Director but may be reimbursed for reasonable expenses incurred by him or her in the performance of his or her duties as a Director of the SSRA.
- 8.2 The SSRA shall have the following Directors who shall be elected or appointed in accordance with this Part 8:
 - a) as long as the Silver Star Mountain Operator is not in default of its payment obligations to the SSRA that may be due pursuant to By-law 19, the Silver Star Mountain Operator shall be entitled to appoint 2 Directors, provided that the tenure of any Director appointed by the Silver Star Mountain Operator pursuant to this By-law 8.3 a) shall terminate at the same time as the Silver Star Mountain Operator ceases for any reason whatsoever to be a member of the SSRA or loses for any reason whatsoever the right to appoint Directors; and
 - b) the members of the SSRA, as provided in By-laws 8.4 and 8.5, shall elect 9 Directors (the "Elected Directors").

8.3 The following definitions and criteria will apply to Part 8 of these By-laws:

a) Subject to By-law 8.4 c), for the purpose of this Part 8 the following definitions shall apply:

i. a "Commercial Director" means a Director elected by the vote of all members of the SSRA who:

(A) are Commercial Owners; provided that:

1. the Silver Star Mountain Operator shall not qualify to vote as a Commercial Owner for any Resort Lot of which the Silver Star Mountain Operator is the Owner; and
2. the Owner of any Resort Lot on which commercial activities are carried out under the management of the Silver Star Mountain Operator shall not be qualified to vote as Commercial Owner in respect to such Resort Lot;

(B) are Non-Resident Business Owners; or

(C) are Occupiers who have become members in their own right pursuant to By-law 3.1;

ii. a "Hotel Lodging Director" means a Director elected by those members of the SSRA who are Owners of a Hotel Lodging Resort Lot;

iii. a "Residential Lodging Director" means a Director elected by those members of the SSRA who are Owners of a Residential Lodging Resort Lot;

iv. a "Residential Director" means a Director elected by those members of the SSRA who are Owners of a Residential Resort Lot;

v. a "Single Owner Hotel Lodging Director" means a Director elected by those members of the SSRA who are Owners of a Single Owner Hotel Lodging Resort Lot; and

- vi. an "At Large Director" means a Director elected by all members of the SSRA including those members of the SSRA who are Owners of a Developing Resort Lot.
- b) If any member is qualified under more than one provision of By-law 8.4 a) i. to v. inclusive, then it shall be entitled to vote for each class of Directors for which it is qualified to vote. Notwithstanding the foregoing, the Silver Star Mountain Operator shall not be entitled to vote for Directors in the Commercial Director class.
- c) Any dispute as to the qualifications of a member to vote for any class of Director under By-law 8.4 a) i. to v. inclusive, or the interpretation of any one or more of the definitions of Commercial Owner, Carry on Business, Commercial Resort Lot, Hotel Lodging, Non-Resident Business Owner, Occupier, Residential Lodging, Single Owner Hotel Lodging, Hotel Lodging Resort Lot, Residential Lodging Resort Lot, Residential Resort Lot, Single Owner Hotel Lodging Resort Lot, Developing Resort Lot or any of the other defined terms used in this By-law 8.4, shall be referred to the Board who shall determine the issue, which shall be binding upon all the members. The Board shall not be obligated to give reasons for their determination.

8.4 The Elected Directors shall be elected and retire in rotation as follows:

- a) at incorporation, the incorporators shall appoint the 9 Elected Directors on the following basis:
 - i. 1 Residential Director whose term shall expire at the first annual general meeting after incorporation;
 - ii. 2 Residential Lodging Directors, one of whose term shall expire at the first annual general meeting after incorporation, and the other whose term shall expire at the annual general meeting two years after incorporation;
 - iii. 2 Hotel Lodging Directors, one of whose term shall expire at the first annual general meeting after incorporation, and the other whose term shall expire at the annual general meeting two years after incorporation;

- iv. 1 Commercial Director whose term shall expire at the first annual general meeting after incorporation;
 - v. 1 Single Owner Hotel Lodging Director whose term shall expire at the annual general meeting held two years after incorporation; and
 - vi. 2 At Large Directors, one of whose term shall expire at the first annual general meeting after incorporation, and the other whose term shall expire at the annual general meeting two years after incorporation.
- b) at the first annual general meeting of the members following incorporation, the following Directors appointed on incorporation:
- i. the Residential Director;
 - ii. the one of the Residential Lodging Directors who has the first alphabetical last name;
 - iii. the one of the Hotel Lodging Directors who has the first alphabetical last name;
 - iv. the Commercial Director; and
 - v. the one of the At Large Directors who has the first alphabetical last name

shall be deemed to resign and elections shall be held for such positions, with the persons elected to hold office for a new two (2) year term;

- c) at the second annual general meeting of the members following incorporation, the remainder of the first Directors appointed on incorporation shall be deemed to resign and elections shall be held for such positions, with the persons elected to hold office for a new two (2) year term;
- d) at each successive annual general meeting of the members thereafter, those Directors whose terms then expire shall be deemed to resign and

elections shall be held for such positions, with the persons elected to hold office for a new two (2) year term; and

- e) a retiring Director may stand for re-election at the meeting at which they retire.

8.5 A Director appointed by the Silver Star Mountain Operator shall remain a Director of the SSRA until such time as the Silver Star Mountain Operator revokes such an appointment, he resigns, dies or is otherwise disqualified from continuing to act. If there is a vacancy in the office of such Director, then the Silver Star Mountain Operator shall have the right to provide a written notification of appointment of a person to fill that vacancy.

8.6 The following provisions apply to Elected Directors:

- a) Where the SSRA fails to hold an annual general meeting in accordance with the *Societies Act*, the Directors then in office shall be deemed to have been elected or appointed as Directors on the last day on which the annual general meeting could have been held pursuant to these By-laws and they may hold office until other Directors are appointed or elected or until the day on which the next annual general meeting is held.
- b) If at any general meeting at which there should be an election of Directors, the places of any of the retiring Directors are not filled by such election, the retiring Directors who are not re-elected, may be requested by the newly-elected Directors and if willing to do so, continue in office to complete the number of Directors until further new Directors are elected at a general meeting convened for that purpose. If any such election or continuance of Directors results in the election or continuance of less than the number of Directors required to be elected such number shall be fixed at the number of Directors actually elected or continued in office.
- c) The SSRA may by Special Resolution remove any Director before the expiration of his period of office, and may, in accordance with the voting method and criteria as set out in By-law 8.3 and 8.4, appoint another person in his stead.
- d) The provisions of this By-law 8.8 apply only to the Elected Directors.

8.7 Any Director who is not an Elected Director may by instrument in writing delivered to the SSRA appoint any person to be his alternate to act in his place at meetings of the Board at which he is not present. Every such alternate Director shall be entitled to notice of every meeting at which the person appointing him is not personally present and, if he is a Director, to have a separate vote on behalf of the Director he is representing in addition to his own vote. A Director who is not an Elected Director may at any time by instrument, telegram, facsimile or any method of transmitting legibly recorded messages delivered to the SSRA revoke the appointment of an alternate Director appointed by him.

8.8 The office of any Elected Director shall be vacated if the Director:

- a) resigns his office by notice in writing delivered to the registered office of the SSRA; or
- b) is convicted within or without the Province of an offence in connection with the promotion, formation or management of a corporation or of an offence involving fraud; or
- c) ceases to be qualified to act as a Director pursuant to the *Societies Act*; or
- d) dies.

8.9 The Board may act notwithstanding any vacancy on the Board. Any vacancy on the Board of Elected Directors may be filled by the Board. The term of office of a Director filling a vacancy, shall expire at the next annual general meeting following his appointment.

PART 9

POWERS AND DUTIES OF DIRECTORS

9. POWERS AND DUTIES OF DIRECTORS

- 9.1 The Board shall manage, or supervise the management of, the affairs and business of the SSRA and shall have the authority to exercise all such powers of the SSRA as are not, by the *Societies Act* or by these By-laws, required to be exercised by the SSRA in general meeting, subject, nevertheless, to these By-laws and all laws affecting the SSRA and to any regulations, not inconsistent with these By-laws, made from time to time by Ordinary Resolution, but no such regulation shall invalidate any prior valid act of the Board.

PART 10
CONFLICTS OF INTERESTS OF DIRECTORS

10. CONFLICT OF INTERESTS OF DIRECTORS

- 10.1 Subject to the provisions of the *Societies Act*, A Director who has a direct or indirect material interest in:

- a) a contract or transaction, or a proposed contract or transaction of the SSRA; or
- b) a matter that is or is to be the subject of consideration by the Board if that interest could result in the creation of a duty or interest that materially conflicts with that Director's duty or interest as a Director of the SSRA;

must:

- c) disclose fully and promptly to the other Directors the nature and extent of the Director's interest;
- d) abstain from voting on a Director's resolution or consenting to a consent resolution of the Directors in respect of the contract, transaction or matter referred to in sections a) and b) above;
- e) leave the Directors' meeting, if any, when the contract, transaction or matter is discussed or voted on, unless asked by the other directors to be present to provide information; and
- f) refrain from any action intended to influence the discussion or vote.

- 10.2 A disclosure under By-law 10.1 c) above must be evidenced in at least one of the following records:

- a) The minutes of a meeting of directors;

- b) A consent resolution of directors;
 - c) A record addressed to the directors that is delivered to the delivery address, or mailed by registered mail to the mailing address, of the registered office of the SSRA.
- 10.3 If all of the Directors of the SSRA have disclosed under By-law 10.1 c) above a direct or indirect material interest, described in 10.1 a) and b), in a contract, transaction or matter than any or all of the Directors may despite By-law 10.1 d), vote on a Director's resolution or consent to a consent resolution of the Directors in respect of the contract, transaction or matter and By-laws 10.1 e) and f) do not apply.
- 10.4 A Director of the SSRA to whom By-laws 10.1 and 10.2 applies must pay to the SSRA an amount equal to any profit made by the Director as a consequence of the SSRA entering into or performing a contract or transaction unless:
 - a) The Director discloses the Director's interest in the contract or transaction in accordance with, and otherwise complies with, By-laws 10.1 and 10.2, and, after the disclosure, the contract or transaction is approved by a Directors' resolution; or
 - b) the contract or transaction is approved by Special Resolution after the nature and extent of the Director's interest in the contract or transaction has been fully disclosed to the members.
- 10.5 A Director shall not be entitled to vote at any meeting of the Board in respect to any contract or arrangement in which he is interested as aforesaid, but shall be counted for the purpose of computing the quorum necessary for the transaction of the business at any such meeting notwithstanding his interest.

PART 11

PROCEEDINGS OF DIRECTORS

11. PROCEEDINGS OF DIRECTORS

- 11.1 The Chair of the Board shall preside as Chair at every meeting of the Board, or if the Chair of the Board is not present within 15 minutes of the time appointed for holding the meeting or is not willing to act as Chair or, if the Chair of the Board has advised the Board that he will not be present at the meeting and the

Vice-Chair is not in attendance, the Directors present shall choose one of their number to be Chair of the meeting.

- 11.2 The Board may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes, and in case of an equality of votes, the Chair of the meeting shall not have a second or casting vote. Meetings of the Board held at regular intervals may be held at such place, as such time and upon such notice (if any) as the Board may by resolution from time to time determine.
- 11.3 Directors may hold a meeting of the Board or of any committee of the Board by means of conference telephones or other communications facilities by means of which all Directors participating in the meeting can hear each other and provided that all such Directors agree to such participation. Directors holding a meeting in accordance with this By-law shall be deemed to be present at the meeting and to have so agreed and shall be counted in the quorum therefore and be entitled to speak and vote thereat.
- 11.4 Meetings of the Board may be called by the Chair, the Vice-Chair or upon the request of a Director. Reasonable notice of such meeting specifying the place, day and hour of such meeting shall be given by mail, postage paid, addressed to each of the Directors and alternate Directors at his address as it appears on the books of the SSRA or by leaving at his usual business or residential address or by telephone, telegram, facsimile, email or any method of transmitting legibly recorded messages. It shall not be necessary to give notice of a meeting of the Board to any Director or alternate Director if such meeting is to be held immediately following a general meeting at which such Director shall have been elected or is the meeting of the Board at which such Director is appointed.
- 11.5 The quorum necessary for the transaction of the business of the Board shall be a majority of the Directors then in office.
- 11.6 The continuing Directors may act notwithstanding any vacancy in their body but, if and so long as their number is reduced below the number fixed pursuant to these By-laws as the necessary quorum of the Board, the continuing Directors may act for the purpose of increasing the number of Directors to that number (provided always that the Board shall not be authorized to appoint a Director

who would otherwise be appointed by the Silver Star Mountain Operator), or of summoning a general meeting of the SSRA, but for no other purpose.

- 11.7 Subject to the provisions of the *Societies Act*, all acts done by any meeting of the Board or of a committee of the Board, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the qualification, election or appointment of any such Directors or of the members of such committee or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly elected or appointed and was qualified to be a Director.
- 11.8 A resolution consented to in writing, whether by document, telegram, email, facsimile or any method of transmitting legibly recorded messages or other means, by all Directors shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and held. Such resolution may be in two or more counterparts, which together shall be deemed to constitute one resolution in writing. Such resolution shall be filed with the minutes of the proceedings of the Board and shall be effective on the date stated thereon or on the latest date stated on any counterpart.
- 11.9 The Board may from time to time permit any person: (i) to attend meetings of the Board or Committees of the Board; (ii) to receive notices of such meetings and all materials distributed to the Board for the purposes of such meetings; (iii) to receive copies of all minutes of such meetings and of all resolutions of the Board or any committee of the Board consented to in writing; and, (iv) to examine the financial statements and records of the SSRA.

PART 12

COMMITTEES

12. COMMITTEES

- 12.1 The Board may establish any committees of Directors that they consider in the best interests of the SSRA and may delegate to such committees any of the powers of the Board. Any committee so appointed may, subject to a resolution of the Board and these Bylaws, meet for the transaction of business, adjourn and otherwise regulate its meetings as it sees fit.

- 12.2 The Board may by resolution appoint such other committees consisting of such Directors, such members of the SSRA who need not be a member of the Board, and/or such members of the community that the Board believes can provide value to the SSRA, for such purposes as the Directors shall think fit, but may not delegate to any such committee any of the powers of the Board.
- 12.3 Every committee constituted by the Board shall have the authorities, powers and discretion which may be delegated to it and shall act in accordance with any requirements, including reporting, which the Board may impose upon such committee.
- 12.4 The Board may, by resolution, at any time remove any person appointed to any committee by the Board.
- 12.5 The members of a committee may meet and adjourn as they think fit.

PART 13

OFFICERS

13 OFFICERS

- 13.1 At the first Board meeting after an annual general meeting, the Directors shall elect a Chair, Vice-Chair, or such other officers as they see fit, from amongst the Directors; all of whom shall hold office until their successors are duly elected, they resign or they are removed from office by the Board at any time with or without cause and with or without notice.
- 13.2 The Chair, or in his absence, the Vice-Chair or in their absence, such person as a meeting may elect, shall preside as chair at all meetings of the Directors.
- 13.3 If the Chair or the Vice-Chair is not present within fifteen minutes after the time appointed for holding any meeting or, if present, is unwilling to act as chair, the Directors present shall choose someone of their number to be chair of the meeting.

- 13.4 The Vice-Chair shall assist the Chair at all times in any or all of his duties of office as the Chair shall decide, and shall also carry out the duties of the Chair in the absence of the Chair.
- 13.5 When someone is elected as Chair pursuant to By-law 13.1, they shall hold that office until: they resign; they are removed from office by the Board of Directors at any time; or, their successor is elected pursuant to By-law 13.1.
- 13.6 If the office of Chair becomes vacant, the Vice-Chair shall automatically become Chair, and shall hold that office until: they resign; they are removed from office by the Board at any time; or, their successor is elected pursuant to By-law 13.1.
- 13.7 The Chair shall, or shall cause the President (if any is appointed), to prepare, maintain and have charge of the financial books and records of the SSRA and to cause to be recorded therein all sums of money received and expended by the SSRA and the matters in respect of which the receipt and expenditure took place, the assets and liabilities of the SSRA and all other transactions affecting the financial position of the SSRA.
- 13.8 The Chair shall, or shall cause the President (if any is appointed), to prepare, maintain and have custody of the minutes of proceedings of meetings of the members and the Board, and the books and records of the SSRA other than the financial books and records and shall record or cause to be recorded therein a copy of the By-laws of the SSRA and any resolution altering or adding thereto, copies or originals of all contracts, resolutions and other documents as are required by law to be so recorded.
- 13.9 The duties and functions of other officers shall be as determined from time to time by the Board.
- 13.10 No officer that also holds office as a Director shall receive any remuneration from the SSRA for services rendered as an officer but any expenses incurred by an officer on behalf of the SSRA may be reimbursed with the approval of the Board.
- 13.11 Separate elections shall be held for each office to be filled. An election may be by acclamation; otherwise it shall be by ballot. If no successor is elected the person previously elected or appointed continues to hold office.

- 13.12 Every officer of the SSRA who holds any office or possesses any property whereby, whether directly or indirectly, duties or interests might be created in conflict with his duties or interests as an officer of the SSRA shall, in writing, disclose to the Board the fact and the nature, character and extent of such conflict.
- 13.13 The Board may select and employ an officer (for the purposes of these By-laws, known as the "President" or such other title as determined by the Board from time to time), who shall not be a Director and who shall be the direct representative of the Board in the management of the affairs of the SSRA. The President shall be given the necessary authority and be held responsible for the day-to-day operations and affairs of the SSRA, subject to the policies and procedures that may be approved from time to time by the Board or the members. Subject to the foregoing, the authority of the President shall be as specified and approved in writing by the Board from time to time in their discretion. All other staff of the SSRA (if any), whether salaried or contracted, shall be responsible to the President, who shall be designated as their supervisor.

PART 14

INDEMNITY AND PROTECTION OF DIRECTORS, OFFICERS AND EMPLOYEES

14. INDEMNITY AND PROTECTION OF DIRECTORS, OFFICERS AND EMPLOYEES

- 14.1 Subject to the provisions of the *Societies Act*, and except in the case where the Director or former Director has been found, by the express terms of a final judgement, to have been grossly negligent or to have wilfully misconducted himself or herself, the Board shall cause the SSRA to indemnify such Director or former Director and their heirs and personal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgement, actually and reasonably incurred by him or them including an amount paid to settle an action or satisfy a judgement in a civil, criminal or administrative action or proceeding to which he is or they are made a party by reason of his being or having been a Director, including any action brought by the SSRA. Each Director on being elected or appointed shall be deemed to have contracted with the SSRA on the terms of the foregoing indemnity.

- 14.2 Subject to the provisions of the *Societies Act*, and except in the case where any officer, employee or agent of the SSRA has been found, by the express terms of a final judgement, to have been grossly negligent or to have wilfully misconducted himself or herself, the Board shall cause the SSRA to indemnify such officer, employee or agent of the SSRA, and their heirs and personal representatives (notwithstanding that he is also a Director) and his heirs and personal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgement, actually and reasonably incurred by him or them including an amount paid to settle an action or satisfy a judgement in a civil, criminal or administrative action or proceeding to which he is or they are made a party by reason of his being or having been an officer, employee or agent of the SSRA, including any action brought by the SSRA. Each officer on being hired, elected or appointed shall be deemed to have contracted with the SSRA on the terms of the foregoing indemnity.
- 14.3 The failure of a Director or officer of the SSRA to comply with the provisions of the *Societies Act*, the Act or these By-laws, shall not invalidate any indemnity to which he is entitled under this part except where the Director did not act honestly and in good faith with a view to the best interest of the SSRA.
- 14.4 The Board may cause the SSRA to purchase and maintain insurance for the benefit of any person who is or was serving as Director, officer, employee or agent of the SSRA or as a director, officer, employee or agent of any corporation of which the SSRA is or was a shareholder, against any liability incurred by him as such Director, officer, employee or agent.

PART 15

DOCUMENTS, RECORDS AND REPORTS

15. DOCUMENTS, RECORDS AND REPORTS

- 15.1 The SSRA shall keep at its head office or at such other place as the *Societies Act* may permit, the documents, copies, registers, minutes, and records, which the SSRA is required by the *Societies Act* to keep at its head office or such other place, as the case may be.
- 15.2 The SSRA shall cause to be kept proper books of account and accounting record in respect of all financial and other transactions of the SSRA in order to properly

record the financial affairs and conditions of the SSRA and to comply with the *Societies Act*.

- 15.3 Upon a request to, and with the approval of the Board, a member of the SSRA shall be entitled to inspect the accounting records of the SSRA.
- 15.4 The Board shall from time to time at the expense of the SSRA cause to be prepared and laid before the SSRA at each annual general meeting such financial statements and reports as are required by regulations under the *Societies Act* and all other applicable laws.
- 15.5 Every member shall be entitled to be furnished once gratis on demand with a copy of the latest annual financial statement of the SSRA and, if so required by the *Societies Act*, a copy of each such annual financial statement shall be delivered to each member by sending it by mail to him to his address as recorded in the register of members, or by such other means as the SSRA may stipulate from time to time in writing to the members.

PART 16

NOTICES

16. NOTICES

- 16.1 A notice, statement or report may be given or delivered by the SSRA to any member either by delivery to him personally or by sending it by mail to him to his address as recorded in the register of members, or by such other means as the SSRA may stipulate from time to time in accordance with the *Societies Act* (which means may include facsimile or electronic transmission or email, where a member has provided an email address). Where a notice, statement or report is sent by mail, service or delivery of the notice, the statement or report shall be deemed to be effected by properly addressing, prepaying and mailing the notice, statement or report and to have been given on the day, Saturdays, Sundays and holidays excepted, following the date of mailing. Where a notice, statement or report shall be deemed to be effected by the manner stipulated by the member in the aforesaid notice and to have been given on the day, Saturdays, Sunday and statutory holidays excepted, following the date of transmission. A certificate signed by an officer of the SSRA or any Director, or agent acting in that behalf for the SSRA, that the letter, envelope or wrapper

containing the notice, statement or report was so addressed prepaid and mailed shall be conclusive evidence thereof.

- 16.2 A notice, statement or report may be given or delivered by the SSRA to the Joint Owners of a Resort Lot by giving the notice to the Joint Owner first named in the register of members in respect of the Resort Lot.
- 16.3 A notice, statement or report may be given or delivered by the SSRA to the Persons entitled to a membership in consequence of the death, bankruptcy or incapacity of a member by sending it through the mail prepaid addressed to them by name or by the title of representatives of the deceased or incapacitated person or trustee of the bankrupt, or by any like description, to the address (if any) supplied to the SSRA for the purpose by the persons claiming to be so entitled, or (until such address has been so supplied) by giving the notice in a manner in which the same might have been given if the death, bankruptcy or incapacity had not occurred.
- 16.4 Notice of every general meeting or meeting of members of a specific class shall be given in a manner hereinbefore authorized to every Person being a member at the time of the issue of the notice or the date fixed for determining the members entitled to such notice, whichever is the earlier. No other Person except the Auditor and lawyer of the SSRA and the Board shall be entitled to receive notices of any such meeting.

PART 17

RECORD DATES

17. RECORD DATES

- 17.1 The Board may fix in advance a date, which shall not be more than 49 days preceding the date of any meeting of members or any class thereof or of the proposed taking of any other proper action requiring the determination of members as the record date for the determination of the members entitled to notice of, or to attend and vote at, any such meeting and any adjournment thereof, or for any other proper purpose. Only members of record on the date so fixed shall be deemed to be members for the purposes aforesaid.

- 17.2 Where no record date is so fixed for the determination of members as provided in the preceding By-law the date on which the notice is mailed shall be the record date for such determination.

PART 18

SEAL

18. SEAL

- 18.1 The Board may adopt a Seal for the SSRA and, if they do so, shall provide for the safe custody of the Seal which shall not be affixed to any instrument except in the presence of the following persons, namely:

- a) any two Directors, or
- b) any such person or persons as the Board may from time to time by resolution appoint, and

such Directors or persons, in whose presence the Seal is so affixed to an instrument, shall sign such instrument. For the purpose of certifying under Seal true copies of any document or resolution the Seal may be affixed in the presence of any one of the foregoing persons.

PART 19

AMENDMENT OF BY-LAWS

19. AMENDMENT OF BY-LAWS

- 19.1 These By-laws may only be added to, amended or repealed by a Special Resolution with the approval of the minister and the RDNO.

PART 20

ASSESSMENTS PAYABLE BY MEMBERS

20. ASSESSMENTS PAYABLE BY MEMBERS

- 20.1 The total Assessment the Silver Star Mountain Operator shall be required to pay to the SSRA during each fiscal year of the SSRA, commencing with the first full fiscal year of the SSRA shall be an amount that is not greater than twenty-five percent (25%) of the total of all Assessments levied by the SSRA in each fiscal year of the SSRA, provided that such amount is not less than \$200,000 in each fiscal year of the SSRA;

The Assessment amount levied to the Silver Star Mountain Operator is irrespective of how many Resort Lots the Silver Star Mountain Operator may be an Owner or the Occupier of.

- 20.2 The SSRA shall levy Assessments to its members, other than the Silver Star Mountain Operator, as follows:

- a) All members who are Occupiers or a Tourism Agent of an Owner of a Resort Lot, and who are not Residential Tenants, shall be levied an Assessment of \$750 per year.
- b) All members who are Contributing Members shall be levied an Assessment of \$250 per year.
- c) All members who operate any number of Home Based Businesses shall each be levied an aggregate Assessment of \$750 per year.
- d) All members who are Non-Resident Business Owners shall be levied an Assessment of \$1,500 per year.
- e) All members who are Commercial Owners shall be levied an Assessment per year, for each Commercial Resort Lot they are an Owner of, based on the square footage of the buildings and improvements on each such Commercial Resort Lot as follows:

<u>Square Footage</u>	<u>Annual Assessment</u>
0-799	\$2,000
800-1,399	\$4,000
1,400-1,999	\$5,500
2,000-2,499	\$6,500

2,500 or more \$7,000

Provided however, that in calculating the square footage, corridors, stairways, kitchen, laundry and utility rooms, public portions of lobby areas, washrooms, storage areas and other similar areas shall not be considered.

- f) All members who are Owners of a Single Owner Hotel Lodging Resort Lot shall be levied an Assessment for each Single Owner Hotel Lodging Resort Lot they are an Owner of, based on the number of Sleeping Rooms as follows:

<u>i.</u>	<u>Number of Sleeping Rooms</u>	<u>Annual Assessment</u>
	One Sleeping Room	\$400
	Two Sleeping Rooms	\$650
	Three Sleeping Rooms	\$800
	or more; and	

- ii. the amount per year based on the square footage of the buildings and improvements on each such Single Owner Hotel Lodging Resort Lot, excluding the rooms for which a levy was paid in sub-paragraph i. above, as follows:

<u>Square footage</u>	<u>Annual Assessment</u>
0-799	\$2,000
800-1,399	\$4,000
1,400-1,999	\$5,500
2,000-2,499	\$6,500
2,500 or more	\$7,000

Provided however, that in calculating the square footage of such space, corridors, stairways, kitchen, laundry and utility rooms, public portions of lobby areas, washrooms, storage areas and other similar areas shall not be considered.

- g) All members who are:
- a. Owners of a Residential Lodging Resort Lot; or
 - b. Owners of a Hotel Lodging Resort Lot;

shall be levied an Assessment based on the number of Sleeping Rooms for rent of each Resort Lot that they are the Owner of as follows:

<u>Number of Sleeping Rooms</u>	<u>Annual Assessment</u>
One Sleeping Room	\$400
Two Sleeping Rooms	\$650
Three Sleeping Rooms	\$800
or more	

Provided that, such Assessment shall not be greater than \$1,000 for a member who is an Owner of a Residential Lodging Resort Lot and operates a Home-Based Business.

20.3 All Assessments shall be levied quarterly or as otherwise determined by the Board and shall be payable within thirty (30) days after being levied. Late payments will be assessed interest at the rate determined by the Board.

20.4 The Board may, by resolution, increase the amount of the Assessments in accordance with the British Columbia Consumer Price Index (annual average change for all items) plus 2 points. Any other change in the Assessments must be approved by a Special Resolution.

20.5 For greater certainty:

- a) for members who are Joint Owners of any Resort Lot, the above fees are payable in respect of each Resort Lot, not each such Owner;
- b) other than the Silver Star Mountain Operator, an Owner will be provided with an Assessment for each Resort Lot that it is the Owner of; and
- c) an Owner may be Assessed during the same period for both being a Non-Resident Business Owner and for being an Owner of a Resort Lot, if the Assessment for the Owner's Resort Lot is for a different purpose or enterprise than the business for which the Owner is being classified as a Non-Resident Business Owner.

PART 21

WINDING UP

21. WINDING UP

- 21.1 Subject to requirements specified in the *Societies Act*, the members may wind up the SSRA by special resolution or may amalgamate the SSRA with one or more other societies created under the *Societies Act* or other relevant legislation.
- 21.2 In the event of a winding up or dissolution of the SSRA the funds and property remaining after the payment of all costs, charges and expenses properly incurred in the winding-up or dissolution, including the remuneration of the liquidator, after payment to employees of the SSRA of any arrears of salaries or wages, and after payment of any debts of the SSRA, shall be distributed to another not for profit society or organization situated in British Columbia the purposes of which are similar to those of the SSRA (or if not possible, some other organization whose purpose is beneficial to a British Columbia community) and such organization shall be determined by a majority of the members attending a meeting called for such purpose.

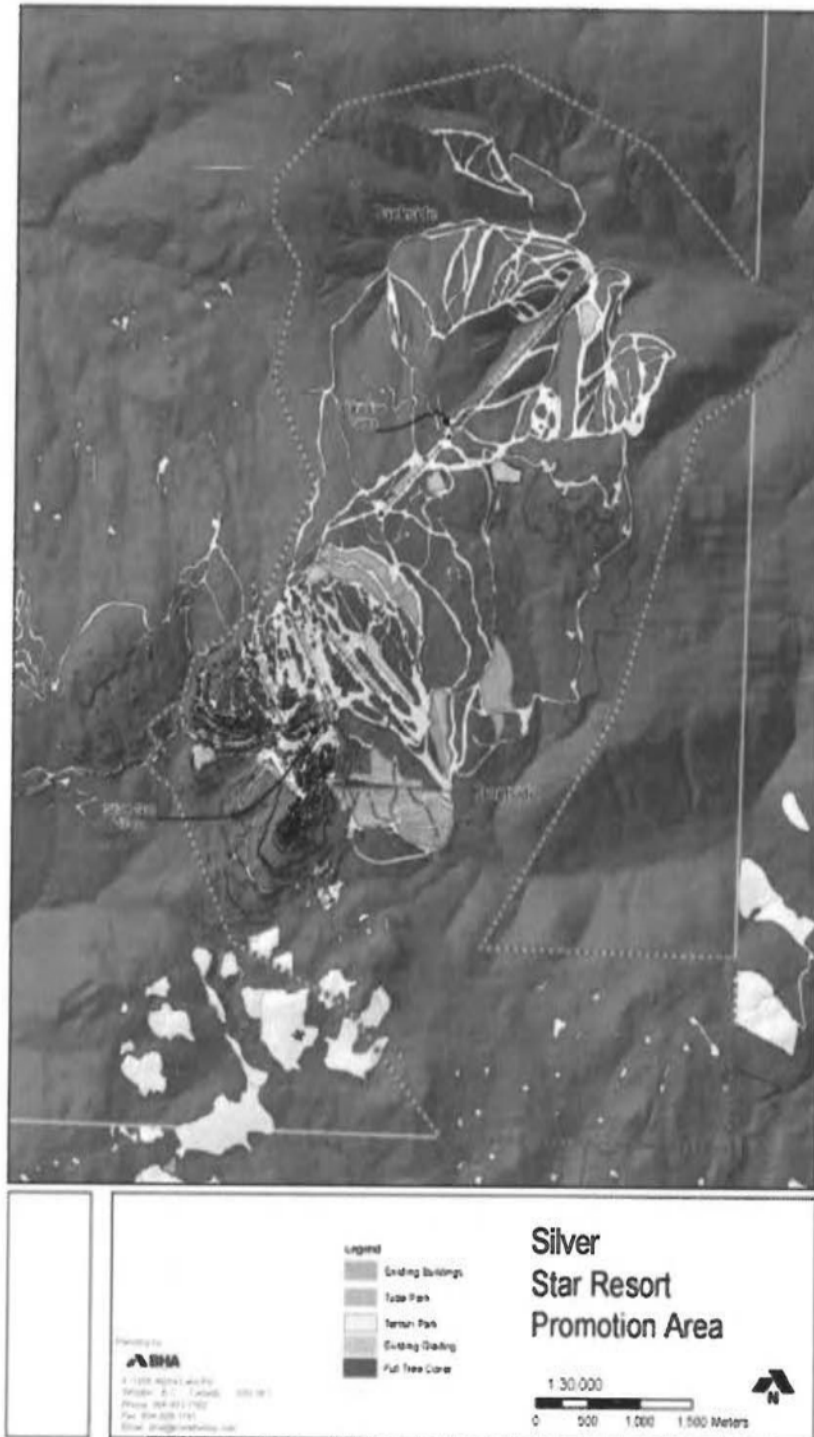
Dated the * day of *, 2019.

APPLICANTS FOR INCORPORATION SIGNING IN COUNTERPART, WITH EACH SUCH COUNTERPART, SO EXECUTED DEEMED TO BE AN ORIGINAL AND SUCH COUNTERPARTS TOGETHER SHALL CONSTITUTE ONE AND THE SAME INSTRUMENT.

SCHEDULE A – RESORT LAND



SCHEDULE B – RESORT PROMOTION AREA



SCHEDULE C

FORM OF NOTICE

TO: Silver Star Resort Association

FROM:

(Name & address of Member)

RE:

(Legal description & residential address of Resort Lot)

THIS IS TO NOTIFY YOU, I no longer own or lease the above-noted Resort Lot, nor do I carry on business at the Resort Lot. The rights to own/lease/carry on business at the Resort Lot are now owned by:

(Name & address of new Resort Lot owner/tenant/business)

Dated: _____

at _____

By:

(Signature of Member)



Ref: 252473

MJB Lawyers – Attn: Chris Cavanagh
700 – 275 Lansdowne St.
Kamloops, BC
V2C 6H6

Email: cfc@mjbllaw.com

Dear Chris Cavanagh:

Re: Silver Star Resort Association Proposal

Please find enclosed one copy of Minister Order No. 059 of 2020, one copy of Ministerial Order No. 060 of 2020 and one copy of the Statutory Approval No. 20200021 for the attached first bylaws of the Silver Star Resort Association approved by the Minister of Municipal Affairs and Housing pursuant to sections 2(1), 3(1) and 3(5) respectively of the *Resort Association Act* (RAA).

<u>MINISTERIAL ORDER</u>	<u>APPROVED</u>	<u>APPROVAL NO.</u>
Silver Star Resort Promotion Area	February 25, 2020	059, year 2020
Silver Star Resort Land / Incorporation	February 25, 2020	060, year 2020

<u>BYLAWS</u>	<u>APPROVED</u>	<u>APPROVAL NO.</u>
Silver Star Resort Association Bylaws	February 25, 2020	20200021

Please note that the next steps in the process to establish the Silver Star Resort Association are the responsibility of the Silver Star Marketing Task Force/Resort Association including the filing of their first bylaws with the Registrar of Companies pursuant to section 3 (5) (b) of the RAA.

In future, the bylaws of the Silver Star Resort Association may only be added to, amended or repealed in accordance with their provisions and section 17 [alterations to bylaws] of the *Societies Act* and with the approval of the minister and the board of the Regional District of North Okanagan.

Yours truly,

A handwritten signature in black ink, appearing to read "Brent Mueller", with a long horizontal flourish extending to the right.

Brent Mueller
Director, Governance and Structure Branch

From: Mueller, Brent MAH:EX
To: "david.sewell@rdno.ca"
Subject: Minister's Decision Regarding Silver Star Resort Association
Date: March 10, 2020 2:09:45 PM
Attachments: 252475 DIR Sewell D Silver Star Resort Association Proposal Silver Star REL.pdf

Hi David – please find attached a letter to inform the North Okanagan Regional District that the Minister has approved the proposal to establish the Silver Star Resort Association.
To view the Ministry's information bulletin please go to: <https://news.gov.bc.ca/21750>
Also, I have asked the Task Force to provide an updated contact to address questions from the community about next steps. I will share that when I receive that information.
Cheers ~ Brent



Ref: 252475

David Sewell, Chief Administrative Officer
Regional District of North Okanagan
9848 Aberdeen Road
Coldstream, BC
V1B 2K9

Email: david.sewell@rdno.ca

Dear CAO, David Sewell

I am writing to inform the Regional District of North Okanagan, that on February 25, 2020 Minister Order No. 059 of 2020, Ministerial Order No. 060 of 2020 and Statutory Approval No. 20200021 for the first bylaws of the Silver Star Resort Association, were approved by the Minister of Municipal Affairs and Housing pursuant to sections 2(1), 3(1) and 3(5) respectively of the *Resort Association Act*.

This information has been conveyed to the Silver Star Marketing Task Force which now has responsibility for the next steps in the process to establish the Silver Star Resort Association including the filing of the first bylaws with the Registrar of Companies.

Sincerely,

Brent Mueller
Director, Governance and Structure Branch

From: Mueller, Brent MAH:EX
To: "Yarden Gershony"
Subject: Decision Regarding Silver Star Resort Association
Date: March 10, 2020 2:09:53 PM

Dear Yarden Gershony,

Please be advised that the Minister has made a decision and has approved the Silver Star Resort Association as proposed.

An information bulletin is available here on the Ministry's website <https://news.gov.bc.ca/21750>

Sincerely,

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch

Ministry of Municipal Affairs and Housing

Province of British Columbia

(778) 698-3220

From: [Mueller, Brent MAH:EX](#)
To: [Meeks, Tori FLNR:EX](#); [Hunter, Bill FLNR:EX](#); [Rueckl, Dawn TAC:EX](#); [Hilton, Peter IRR:EX](#)
Bcc: [Faganello, Tara MAH:EX](#)
Subject: FW: BC Gov News - Province gives approval for Silver Star Resort Association
Date: March 10, 2020 2:17:59 PM

Hello Provincial Colleagues – as per below, the Minister has approved a proposal to establish the Silver Star Resort Association.

Cheers ~ Brent

From: Lowry, Megan GCPE:EX
Sent: March 10, 2020 2:05 PM
To: Mueller, Brent MAH:EX
Subject: BC Gov News - Province gives approval for Silver Star Resort Association

From: noreply.newsondemand@gov.bc.ca <noreply.newsondemand@gov.bc.ca>
Sent: March 10, 2020 2:03 PM
To: Lowry, Megan GCPE:EX <Megan.Lowry@gov.bc.ca>
Subject: BC Gov News - Province gives approval for Silver Star Resort Association

For Immediate Release
2020MAH0038-000437
March 10, 2020

Ministry of Municipal Affairs and Housing

INFORMATION BULLETIN

Province gives approval for Silver Star Resort Association

VICTORIA - The Province has enabled the creation of Silver Star Mountain Resort Association, which will bring economic benefits to residents and businesses in the north Okanagan.

The proposal submitted by the Silver Star Marketing Task Force - a group of interested stakeholders, including individual property owners, businesses, hotels and the resort operator - met the legislative requirements under the Resort Association Act to establish a resort association:

- * There will be a ski lift and year-round recreational area centre.
- * The local government where the resort association is located, which is the Regional District of Okanagan, agrees to the resort association.
- * At least 50% of the landowners within the resort association boundaries, representing 50% of the property value, have signed a petition in favour of creating the resort association.

Silver Star Mountain Resort is a family ski resort in the north Okanagan and will be the fourth resort association in B.C. after Whistler, Sun Peaks and Red Mountain.

Resort use and development is a critical part of B.C. tourism and is a major economic driver, creating local jobs, while generating provincial revenue. Resort associations help promote, facilitate and encourage the development, maintenance and operation of resorts. Resort

associations collect a fee from property owners within the designated resort area who use their property for rental, business or commercial purposes.

The next steps are for the Silver Star Marketing Task Force to register the resort association in B.C. with the registrar of companies and elect its first board of directors in order to begin operations.

Contact:

Ministry of Municipal Affairs and Housing
Media Relations
778 584-1255

 [**READ MORE**](#)

[Government Operations, Municipal Affairs and Housing](#)

Porter, Dianna MAH:EX

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 2:36 PM
To: Krishna, Kaye MAH:EX
Cc: Faganello, Tara MAH:EX; Gedney, Vanessa R MAH:EX
Subject: Approved - Proposed Silver Star Resort Association

Hi Kaye – for your information the SS decision has been announced. In case you would like to follow-up with colleagues I have prepared a message below you can forward.

Cheers ~ Brent

Colleagues,

In follow-up to my previous message sent on February 12, 2020, I am reaching out to inform you that that Minister of Municipal Affairs and Housing, Honorable Selina Robinson, has approved the establishment of a Resort Association for the Silver Star Resort. Program area staff from your respective Ministries have been notified.

For information on the announcement please go to: <https://news.gov.bc.ca/releases/2020MAH0038-000437>

The next steps in the process to establish the Resort Association are the responsibility of the Silver Star Marketing Task Force/Resort Association including the filing of their first bylaws with the Registrar of Companies pursuant to section 3 (5) (b) of the *Resort Association Act*.

If you have any questions or require additional information please let me know or follow-up directly with Brent Mueller, Director, Governance Relations, Local Government Division, Brent.Mueller@gov.bc.ca; 778-698-3220.

Sincerely,
Kaye

From: Krishna, Kaye MAH:EX
Sent: February 12, 2020 10:25 AM
To: Allan, John FLNR:EX ; Brouwer, Shauna TAC:EX ; Caul, Doug D IRR:EX
Cc: Mueller, Brent MAH:EX ; Faganello, Tara MAH:EX ; Gedney, Vanessa R MAH:EX
Subject: FYI: Pending Decision - Proposed Silver Star Resort Association

Colleagues,

For your information, I am reaching out to provide notice that Minister of Municipal Affairs and Housing, Honorable Selina Robinson,^{s.13}

s.13

s.13

s.13

To that end, MAH staff have already been in touch with your respective staff:

- FLNRORD (Mountain Resort Branch) – *Bill Hunter, Director, Director of Mountain Operations*
- MIRR (regional operations) – *Peter Hilton, Regional Manager, Negotiations and Regional Operations Division*
- Ministry of Tourism, Arts & Culture (tourism) – *Dawn Rueckl, Manager, Tourism Policy & Programs*

You may also want to provide a brief update to your respective Ministers.

If you have any questions or require additional information please let me know or follow-up directly with Brent Mueller, Director, Governance Relations, Local Government Division, Brent.Mueller@gov.bc.ca; 778-698-3220.

Sincerely,
Kaye

KAYE KRISHNA

Deputy Minister

Ministry of Municipal Affairs and Housing
6th Floor, 800 Johnson St | Victoria BC V8W 9N7
Office: 250.387.9108 | Fax: 250.387.7973

From: Mueller, Brent MAH:EX
To: s 22; "Jim Godfrey"
Subject: FYI: Minister's Decision re: Silver Star Resort Association
Date: March 10, 2020 2:51:35 PM
Attachments: 252473 DIR Cavanagh C Silver Star Resort Association Proposal Silver Star REL.pdf

Hi Tim and Jim – We received a message saying the original package I sent out was too big for Tim's email.

I will try in smaller bits. Can you confirm receipt of this message?

Cheers ~ Brent

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 2:09 PM
To: Tim Dekker ; 'cfc@mjbblaw.com' ; 'Jim Godfrey'
Cc: Elliott, Rebecca MAH:EX ; Porter, Dianna MAH:EX
Subject: Minister's Decision re: Silver Star Resort Association

Good afternoon – The Minister has approved the Task Force's proposal to establish the Silver Star Resort Association. Copies of the relevant decision materials are attached and a hard copy will be sent to:

MJB Lawyers Attention: Chris Cavanagh
700 - 275 Lansdowne St.,
Kamloops, BC, V2C 6H6

To view the Ministry's information bulletin please go to: <https://news.gov.bc.ca/21750>

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220



Ref: 252473

MJB Lawyers – Attn: Chris Cavanagh
700 – 275 Lansdowne St.
Kamloops, BC
V2C 6H6

Email: cfc@mjbllaw.com

Dear Chris Cavanagh:

Re: Silver Star Resort Association Proposal

Please find enclosed one copy of Minister Order No. 059 of 2020, one copy of Ministerial Order No. 060 of 2020 and one copy of the Statutory Approval No. 20200021 for the attached first bylaws of the Silver Star Resort Association approved by the Minister of Municipal Affairs and Housing pursuant to sections 2(1), 3(1) and 3(5) respectively of the *Resort Association Act* (RAA).

<u>MINISTERIAL ORDER</u>	<u>APPROVED</u>	<u>APPROVAL NO.</u>
Silver Star Resort Promotion Area	February 25, 2020	059, year 2020
Silver Star Resort Land / Incorporation	February 25, 2020	060, year 2020

<u>BYLAWS</u>	<u>APPROVED</u>	<u>APPROVAL NO.</u>
Silver Star Resort Association Bylaws	February 25, 2020	20200021

Please note that the next steps in the process to establish the Silver Star Resort Association are the responsibility of the Silver Star Marketing Task Force/Resort Association including the filing of their first bylaws with the Registrar of Companies pursuant to section 3 (5) (b) of the RAA.

In future, the bylaws of the Silver Star Resort Association may only be added to, amended or repealed in accordance with their provisions and section 17 [alterations to bylaws] of the *Societies Act* and with the approval of the minister and the board of the Regional District of North Okanagan.

Yours truly,

A handwritten signature in black ink, appearing to read "Brent Mueller", with a long horizontal flourish extending to the right.

Brent Mueller
Director, Governance and Structure Branch

From: [Mueller, Brent MAH:EX](#)
To: ["Tim Dekker"](#)
Subject: RE: Minister's Decision re: Silver Star Resort Association
Date: March 10, 2020 3:38:15 PM
Attachments: [STAT APP OIC RAA Silverstar Resort Association.pdf](#)

Hopefully the final piece.

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 3:33 PM
To: 'Tim Dekker' s.22
Subject: FW: Minister's Decision re: Silver Star Resort Association
And the last I believe.
Cheers ~ Brent

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 2:09 PM
To: Tim Dekker s.22 ; 'cfc@mjblaw.com' <cfc@mjblaw.com>; 'Jim Godfrey' s.22

Cc: Elliott, Rebecca MAH:EX <Rebecca.Elliott@gov.bc.ca>; Porter, Dianna MAH:EX <Dianna.Porter@gov.bc.ca>

Subject: Minister's Decision re: Silver Star Resort Association

Good afternoon – The Minister has approved the Task Force's proposal to establish the Silver Star Resort Association. Copies of the relevant decision materials are attached and a hard copy will be sent to:

MJB Lawyers Attention: Chris Cavanagh
700 - 275 Lansdowne St.,
Kamloops, BC, V2C 6H6

To view the Ministry's information bulletin please go to: <https://news.gov.bc.ca/21750>

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220



No. 20200021

Statutory Approval

Under the provisions of sections 3 (5)

of the Resort Associations Act

I hereby approve the bylaws of the

Silver Star Resort Association

a copy of which is attached hereto.

Dated this 25th ***day***
of February ***, 2020***


Selina Robinson
Minister of Municipal Affairs and Housing

From: [Porter, Dianna MAH:EX](#)
To: [MAH Local Government Division](#)
Subject: Silver Star Resort Association Decision
Date: March 10, 2020 3:51:17 PM

Hi All,

The decision on approval of the Silver Star Resort Association was released today here:

<https://news.gov.bc.ca/21750>

Cheers,

Dianna Porter | Senior Program Analyst
Local Government Division | Governance and Structure Branch |
Ministry of Municipal Affairs and Housing
Ph: 778-698-3213

Living, working, and playing on the territories of the Lekwungen and WSÁNEĆ peoples.



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Towner, Erin MAH:EX

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 3:49 PM
To: 's.22'
Cc: 'Jim Godfrey'
Subject: FW: FW: Minister's Decision re: Silver Star Resort Association

Hi Tim – I think the last piece of the puzzle that is not reaching you is a copy of the first set of bylaws. Jim has them, along with your lawyers, and we are sending the official hard copies.

A copy is also in your proposal package. Going forward you are going to want to make sure someone has an original set (probably your legal counsel) so if any amendments are made your have the first set to refer to.

Cheers ~ Brent

From: Microsoft Outlook
Sent: March 10, 2020 3:45 PM
To: Mueller, Brent MAH:EX
Subject: Undeliverable: FW: Minister's Decision re: Silver Star Resort Association

Delivery has failed to these recipients or groups:

s.22

This message is larger than the size limit for messages. Please make it smaller and try sending it again.

The following organization rejected your message: mi07.dcs.int.inet.

Diagnostic information for administrators:

Generating server: YTBPR01MB2622.CANPRD01.PROD.OUTLOOK.COM

s.22

mi07.dcs.int.inet
Remote Server returned "

Original message headers:

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2020 22:39:37 +0000

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Authentication-Results: spf=pass (sender IP is 142.34.224.246)
smtp.mailfrom=gov.bc.ca; shaw.ca; dkim=none (message not signed)
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To: "s.22"
Subject: FW: Minister's Decision re: Silver Star Resort Association
Thread-Topic: Minister's Decision re: Silver Star Resort Association
Thread-Index: AdX2+MmUZQWS3TV2TFuD9teiCUL2BwAMvebQAAAL3FAAABblgA==
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X-OriginatorOrg: gov.bc.ca
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(UTC)
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X-MS-Exchange-Organization-OutboundCrossTenantAgentProcessed: YTBPR01MB2622
X-MS-Exchange-Organization-DelayAnalysis-Summary: Processed

From: [Mueller, Brent MAH:EX](#)
To: ["david.sewell@rdno.ca"](#)
Subject: Update
Date: March 11, 2020 10:59:06 AM

Hi David – in the interest of sharing, we spoke with Tim Dekker yesterday (as you know one of the Task Force members).

He contacted the Ministry to say thanks and share they will be moving forward to hopefully get things established for the next season.

He acknowledged there are still concerns and said he is accessible to answer questions about next steps. Folks can be directed to him via email at s.22 or phone at s.22

Also mentioned he anticipates that one or two of the critics may want to be on the new Board – once it gets up and running.

Finally, he said they are looking for contact info for some of the property owners (specifically he mentioned emails). He may approach you to see if you have any ideas.

Cheers ~ Brent

From: [Mueller, Brent MAH:EX](#)
To: S.22
Subject: FW: Minister's Decision re: Silver Star Resort Association
Date: March 10, 2020 3:39:30 PM
Attachments: [Bylaws Associated with the Stat App done.pdf](#)

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 3:37 PM
To: 'Tim Dekker'
Subject: Minister's Decision re: Silver Star Resort Association
Another piece

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 3:33 PM
To: 'Tim Dekker' <S.22>
Subject: FW: Minister's Decision re: Silver Star Resort Association
And the last I believe.
Cheers ~ Brent

From: Mueller, Brent MAH:EX
Sent: March 10, 2020 2:09 PM
To: Tim Dekker <S.22>; 'cfc@mjblaw.com' <cfc@mjblaw.com>; 'Jim Godfrey' <S.22>

Cc: Elliott, Rebecca MAH:EX <Rebecca.Elliott@gov.bc.ca>; Porter, Dianna MAH:EX <Dianna.Porter@gov.bc.ca>

Subject: Minister's Decision re: Silver Star Resort Association

Good afternoon – The Minister has approved the Task Force's proposal to establish the Silver Star Resort Association. Copies of the relevant decision materials are attached and a hard copy will be sent to:

MJB Lawyers Attention: Chris Cavanagh
700 - 275 Lansdowne St.,
Kamloops, BC, V2C 6H6

To view the Ministry's information bulletin please go to: <https://news.gov.bc.ca/21750>

Cheers ~ Brent

Brent Mueller, MA

Director, Governance Relations, Governance and Structure Branch
Ministry of Municipal Affairs and Housing
Province of British Columbia
(778) 698-3220

SILVER STAR RESORT ASSOCIATION BYLAWS

BY-LAWS

Of

The Silver Star Resort Association

Part 1

INTERPRETATION

1. INTERPRETATION

1.1 In these By laws, unless there is something in the subject or context inconsistent therewith:

"Act" means the Resort Associations Act, R.S.B.C. 1996, c. 320, as amended from time to time;

"Assessments" or "Assessment" means all amounts paid or required to be paid to the SSRA by members and stipulated as levies pursuant to Part 20 of these By-laws;

"Auditor" means a person qualified to act as an auditor of a society in accordance with the *Societies Act*;

"Board" means the Board of Directors of the SSRA, in office from time to time;

"Carry on Business" or "Carries on Business" means, in regards to any Person, conducting or offering to conduct a business of any scale or magnitude, including without limitation any commercial business, Home Based Business, property

booking or property management business, other than the direct rental of such Person's own Resort Lots to the Public;

"Commercial Owner" means an Owner of a Commercial Resort Lot;

"Commercial Resort Lot" means any Resort Lot, or any portion thereof, which is used for any commercial or industrial activity other than the rental of accommodation to the Public;

"Contributing Member" means a member who irrevocably agrees to pay the Assessment as set out in 20.2(b) and is designated by the SSRA as a Contributing Member;

"Developing Resort Lot" means any Resort Lot which is bare land or on which improvements are being constructed, but are not yet substantially complete;

"Director" means a member of the Board, and "Directors" means more than one of them;

"Home Based Business" means a commercial undertaking carried on for gain or profit which is accessory and subordinate to the principal residential use of the dwelling unit and such commercial undertaking provides goods or services to the SSRA community;

"Hotel Lodging" means a facility comprised of one or more buildings, or more than one Resort Lot, which:

- a) provides accommodation to the Public; and
- b) has the services on its premises of a front desk that is manned continuously at least 2 hours a day for more than 75 days in any consecutive 365-day period;

"Hotel Lodging Resort Lot" means a Resort Lot which is part of a Hotel Lodging that has been substantially completed or operates;

"Joint Owners" means Owners who share the ownership of a Resort Lot including Owners registered with the BC Land Titles Office as "joint tenants" or as "tenants in common" in respect to a Resort Lot and "Joint Owner" means any one of them;

"Land Title Act" means the Land Title Act, R.S.B.C. 1996, c. 250, as amended from time to time;

"Non-Resident Business Owner" is any Person that Carries on Business within the Resort Promotion Area that is not physically located on a Resort Lot;

"Occupier" means any Person who exclusively occupies a Resort Lot by a contractual or licensed right, but is not the Owner thereof;

"Ordinary Resolution" means:

- a) a resolution passed by the members of the SSRA in a general meeting by a simple majority of votes cast in person or by proxy; or
- b) a resolution that has been submitted to the members of the SSRA who would have been entitled to vote thereon in person or by proxy at a general meeting of the SSRA whose membership carries not less than $\frac{3}{4}$ of the votes entitled to cast thereon; and a resolution so consented to shall be deemed to be an Ordinary Resolution passed at a general meeting of the SSRA;

"Owner" means

- a) the owner of an estate in fee simple registered under the Land Title Act; or
- b) a person in possession of Crown land under a lease, license, agreement for sale, easement statutory right of way or other instrument under the *BC Land Act*; or
- c) the tenant under a Lease for a term of thirty (30) years or more.

"Person" includes an individual, corporation, body corporate, partnership, joint venture, association, trust or unincorporated organization, or any trustee, executor, administrator or other legal representative thereof;

"Public", in respect to a Resort Lot, means any Person other than the Owner, or an Occupier, of that Resort Lot;

"RDNO" means the Regional District of North Okanagan;

"Residential Lodging" means that part of a facility or other dwelling unit that is not a Hotel Lodging or a Single Owner Hotel Lodging, that offers rental accommodation to the Public and, without restricting the generality of the foregoing, includes the following:

- a) any facility which contains strata title condominiums which can be rented through a rental management service or rented by the Owner;
- b) pensions and bed and breakfast type lodgings;
- c) single family dwelling units;
- d) duplex units;

"Residential Lodging Resort Lot" means a Resort Lot on which a Residential Lodging has been substantially completed or operates;

"Residential Resort Lot" means a Resort Lot which is never offered as rental accommodation for the Public, and which is not a Developing Resort Lot or a Commercial Resort Lot;

"Residential Tenant" means an individual who is an Occupier of the same Residential Lodging Resort Lot for a period that is equal to or greater than 28 consecutive days, but such individual is not a Tourism Agent of the Owner such Residential Lodging Resort;

"Resort Land" means, collectively:

- a) the land located in the Resort Promotion Area that has been specified as "resort land" by the minister pursuant to the Act, all as shown outlined in bold black on the map attached as Schedule "A" to these By-laws; and
- b) the land located in the Resort Promotion Area that has not been specified as "resort land" by the minister pursuant to the Act, but the Owner of which becomes a member of the SSRA pursuant to By-law 3.1 c);

"Resort Lot" means, collectively:

- a) any lot, block or other area in which Resort Land is held, or into which Resort Land is subdivided; and

- b) any portion of such lot, block or other area which is divided by contract and not by legal subdivision thereof, where possession of such divided portions are granted by contract or license to a Person other than the Owner thereof;

"Resort Promotion Area" means an area that has been established as a "resort promotion area" by order of the minister pursuant to the Act, as shown outlined in bold black on the map attached as Schedule "B" to these By-laws;

"Seal" means the common seal of the SSRA;

"Services" has the meaning as set out in By-law 2.1;

"Silver Star Mountain Operator" means the Person that is the principal operator from time to time of the skiing facilities and ancillary business, functions or activities on the Resort Land at Silver Star Mountain, British Columbia;

"Single Owner Hotel Lodging" means a facility in one (1) location which has more than twenty (20) rooms all owned by the same Person or Persons, which are offered to the Public as rental accommodation, and if such lodging otherwise qualifies as a Hotel Lodging, then it shall be deemed for the purposes of these By-laws to not qualify as a Hotel Lodging;

"Single Owner Hotel Lodging Resort Lot" means a Resort Lot on which a Single Owner Hotel Lodging has been constructed or commenced operations;

"Sleeping Room" means:

- a) a room used primarily for sleeping; or
- b) a room that is advertised to the public as a "bedroom" or advertised to the public as a room used primarily for sleeping;

"Societies Act" means the *Societies Act*, S.B.C. 2015, c. 18, as amended from time to time;

"Special Resolution" means:

- a) a resolution passed by majority of not less than $\frac{3}{4}$ 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:
 - i. of which 21 days' notice specifying the intention to propose the resolution as a special resolution, has been duly given; or
 - ii. if every member entitled to attend and vote at any such meeting so agrees, at a meeting of which less than 21 days' notice has been given; or
- b) a resolution consented to in writing by every member of the SSRA who would have been entitled to vote thereon in person or by proxy at a general meeting of the SSRA and a resolution so consented to shall be deemed to have been duly passed at a general meeting of the SSRA;

"SSRA" means The Silver Star Resort Association; and

"Tourism Agent" means a person who:

- a) purchases accommodation from a vendor and
 - b) for payment, makes all or any part of that accommodation available for use by one or more Persons as part of a tourism service or rental management service.
- 1.2 Expressions referring to writing shall be construed as including references to printing, lithography, typewriting, photography and other modes of representing or reproducing words in the visible form.
- 1.3 Words importing the singular include the plural and vice versa, and words importing male persons include female persons and words importing persons shall include corporations.
- 1.4 The meaning of any words or phrases defined in the *Societies Act* shall, if not inconsistent with the subject context, bear the same meaning in these By-laws.

- 1.5 The Rules of Construction contained in the *Interpretation Act* on the date these By-laws take effect shall apply, mutatis mutandis to the interpretation of these By-laws.

PART 2

PROGRAMS AND SERVICES

2. PROGRAMS AND SERVICES

- 2.1 The purposes of the SSRA are to promote, facilitate and encourage the development, maintenance and operation of the Silver Star Resort Promotion Area. Without limiting the generality of the foregoing, the following programs and/or services may be provided by the SSRA:

- a) Marketing and sales;
- b) Communications;
- c) Research;
- d) Central booking;
- e) Signage;
- f) Common area development, maintenance and operation;
- g) Special event planning and execution;
- h) Visitor information services; and
- i) Advocating for the resort community.

(the above-listed programs and services are collectively, the "Services")

- 2.2 Upon incorporation of the SSRA, the SSRA shall provide and include in its budget the following Services:

- a) Marketing and sales;
- b) Communications;
- c) Research;
- d) Special event planning and execution; and
- e) Advocating for the resort community.

- 2.3 Subject to approval by a Special Resolution, the SSRA may add to its annual budget any or all of the Services as it deems necessary to carry out its purposes.

- 2.4 Subject to approval by a Special Resolution, the SSRA may, in addition to the above listed Services, undertake such other programs and/or services as it deems necessary to carry out its purposes.

PART 3

MEMBERSHIP

3. MEMBERSHIP

- 3.1 The following Persons shall become members of the SSRA:
- a) the Silver Star Mountain Operator;
 - b) each Owner of a Resort Lot; and
 - c) Persons who qualify to apply for membership under By-law 3.2 and who are accepted as members by the Board.
- 3.2 The following Persons may apply to be members:
- a) an Owner of land, whose land is within the Resort Promotion Area, but which land has not been specified as "resort land" by the minister pursuant to the Act;
 - b) a Non-Resident Business Owner;
 - c) an Occupier; and
 - d) Persons who are a Tourism Agent of an Owner of a Resort Lot.
- 3.3 Such prospective members may apply to become a member of the SSRA by filing an application with the SSRA in such form as the Board may from time to time prescribe together with such further information as may be required by the Board. The Board shall consider each application for membership and may accept or reject any such application, in their arbitrary and sole discretion. If the application for membership is accepted, the applicant shall become a member of the SSRA immediately upon paying the Assessment levied by the Board for such membership.

- 3.4 On becoming a member of the SSRA, the land owned by an Owner referred to in By-law 3.2 a) above is deemed to be "resort land".
- 3.5 Every member shall pay Assessments to the SSRA in the amount and manner specified in Part 20 of these By-laws, and shall otherwise comply with these By-laws.
- 3.6 A Person shall cease to be a member of the SSRA:
- a) in the case of members admitted pursuant to By-law 3.2:
 - i. upon their written resignation as member;
 - ii. when the Board notifies him in writing that he no longer meets the requirements for membership and is no longer a member;
 - iii. when that Person has been a member not in good standing for a period in excess of four consecutive months;
 - iv. on his death or in the case of a member that is not a natural person, on dissolution or similar action; or
 - v. on being expelled;
 - b) in the case of a particular Person that is the Silver Star Mountain Operator, immediately when they cease to be the principal operator from time to time of the skiing facilities and ancillary business, functions or activities within the Resort Promotion Area; or
 - c) in the case of an Owner, immediately when they cease to be an Owner of a Resort Lot.
- 3.7 A member, other than the Silver Star Mountain Operator, may be expelled by a special resolution of the members passed at a general meeting on the following conditions:
- a) The notice of special resolution for expulsion shall be accompanied by a brief statement of the reason for the proposed expulsion; and

- b) The member who is the subject of the expulsion shall be given an opportunity to be heard at the general meeting before the special resolution is put to a vote.

In the event of the expulsion of a member that is an Owner of a Resort Lot, they shall still be liable for Assessments.

- 3.8 All members are in good standing except a member who has failed to pay his current annual Assessments or any other debt due and owing by him to the SSRA and he is not in good standing so long as the debt remains unpaid.
- 3.9 Each Owner must give the SSRA written notice of any disposition of their interest in a Resort Lot.
- 3.10 Subject to approval of the members of the SSRA by a Special Resolution and the approval of the Ministry and the RDNO, the Board may designate different classes of membership for existing members, or create or add classes of membership, having such rights and privileges and subject to such restrictions as the Board shall by resolution determine.

PART 4

BORROWING POWERS

4. BORROWING POWERS

- 4.1 Subject to the Act, the Directors may, by resolution, cause the SSRA to borrow such sums of money on such terms and on such security as the Directors may determine and as specified in the resolution of the Directors, provided always that the SSRA shall not issue any debentures.
- 4.2 To raise or secure the payment of any sum of money borrowed by the SSRA in accordance with Bylaw 4.1, the Board may mortgage, pledge, hypothecate and charge all or any part of the property of the SSRA.
- 4.3 The persons entitled to sign documents on behalf of the SSRA shall be those authorized in the applicable resolution of the Board. If no persons are authorized

in a resolution of the Board, then documents may be executed on behalf of the SSRA by any two officers of the SSRA.

- 4.4 Notwithstanding any of the above provisions, other than for cash-flow purposes, the SSRA must obtain approval by a Special Resolution to borrow amounts greater than \$250,000 in aggregate.

PART 5

GENERAL MEETINGS

5. GENERAL MEETINGS

- 5.1 The first annual general meeting of the SSRA shall be held within 12 months from the date of incorporation and thereafter an annual general meeting shall be held once in every calendar year at such time and place as may be determined by the Board.
- 5.2 Every general meeting other than an annual general meeting is an extraordinary general meeting.
- 5.3 The Board may, whenever they deem necessary, convene a general meeting. If requisitioned by the members in accordance with the *Societies Act*, a general meeting shall be convened by the Board or, if not convened by the Board, may be convened by the requisitionists as provided under the *Societies Act*.
- 5.4 A notice convening a general meeting specifying the place, the day, and the hour of the meeting, and in case of special business, the general nature of that business, shall be given as required pursuant to the *Societies Act* and in the manner hereinafter mentioned in these By-laws, to such Persons as are entitled by law or under these By-laws to receive such notice from the SSRA. Accidental omission to give notice of a meeting to or the non-receipt of notice of a meeting by any member shall not invalidate the proceedings at that meeting.
- 5.5 All the members of the SSRA entitled to attend and vote at a general meeting may, by unanimous consent in writing given before, during or after the meeting, or if they are present at the meeting by a unanimous vote, waive or reduce the period of notice of such meeting and an entry in the minute book of such waiver or reduction shall be sufficient evidence of the due convening of the meeting.

- 5.6 Except as otherwise provided by the *Societies Act*, where any business at a general meeting includes considering, approving, ratifying, adopting or authorizing any document or the execution thereof or the giving of effect thereto, the notice convening the meeting shall, with respect to such document, be sufficient if it states that a copy of the document or proposed document is or will be available for inspection by members at the registered office, head office of the SSRA or at such other place in British Columbia designated in the notice during usual business hours up to the date of such general meeting.

PART 6

PROCEEDINGS AT GENERAL MEETINGS

6. PROCEEDINGS AT GENERAL MEETINGS

- 6.1 All business shall be deemed special business which is transacted at:
- a) a general meeting other than the adoption of any rules of order; and
 - b) an annual general meeting, with the exception of: (i) the consideration of the financial statements; (ii) the respective reports of the Board and Auditor; (iii) the election of Directors; (iv) the appointment of the Auditor; and, (v) such other business as by these By-laws or the *Societies Act* which ought to be transacted at an annual general meeting without prior notice thereof being given to the members of any business which is brought under consideration by the report of the Board.
- 6.2 No business, other than election of the Chair or the adjournment of the meeting, shall be transacted at any general meeting unless a quorum of members, entitled to attend and vote, is present at the commencement of the meeting, but the quorum need not be present throughout the meeting.
- 6.3 The quorum at all general meetings shall be ten (10) members entitled to vote, present in person, by proxy, or, if not a natural person, by appointed representative. The Directors, officers, the Auditor and the lawyer of the SSRA shall be entitled to attend at any general meeting but no such person shall be counted in the quorum or be entitled to vote at any general meeting unless he shall be a member or proxy holder entitled to vote thereat.

6.4 If within half an hour from the time appointed for a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the persons present and:

- a) being a member, or
- b) representing a member by proxy, or
- c) being the appointed representative of a member that is not a natural person,

shall be a quorum.

6.5 Subject to By-law 6.6, the Chair of the Board, the Vice-Chair, or in the absence of both, one of the other Directors or the lawyer of the SSRA present, shall preside as Chair of a general meeting.

6.6 If at a general meeting:

- a) there is no Chair of the Board, Vice-Chair, other Director or the lawyer of the SSRA present within 15 minutes after the time appointed for holding the meeting; or
- b) the Chair of the Board, Vice-Chair, all the other Directors and the lawyer for the SSRA present are unwilling to act as Chair of the meeting;

The members present shall choose one of their number to be Chair of the meeting.

6.7 The Chair may and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 28 days or more, 14 days' notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice to an adjourned meeting or of the business to be transacted at an adjourned meeting.

- 6.8 No motion proposed at a general meeting need be seconded and the Chair may propose or second a motion.
- 6.9 Subject to the provisions of the *Societies Act* and these By-laws, at any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless (before or on the declaration of the result of the show of hands) a poll is directed by the Chair of the meeting. The Chair of the meeting shall declare to the meeting the decision on every question in accordance with the result of the show of hands or the poll, and such decision shall be entered in the book of proceedings of the SSRA. A declaration by the Chair of the meeting that a resolution has been carried, or carried unanimously, or by a particular majority, or lost or not carried by a particular majority and an entry to that effect in the minutes of the meeting of the SSRA shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- 6.10 In case of an equality of votes, whether on a show of hands or on a poll, if they are also a member with voting rights, the Chair of the meeting at which the show of hands takes place or at which the poll is demanded shall not be entitled to a second or casting vote arising from their role as Chair of the meeting.
- 6.11 No poll shall be demanded on the election of a Chair of a meeting. A poll demanded on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken as soon as, in the opinion of the Chair of the meeting, is reasonably convenient, but in any event within 14 days and at such time and place and in such manner as the Chair of the meeting directs. The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded. Any business other than that upon which the poll has been demanded may proceed pending the taking of the poll. A demand for a poll may be withdrawn. In any dispute as to the admission or rejection of a vote the decision of the Chair of the meeting made in good faith shall be final and conclusive.
- 6.12 Every ballot cast upon a poll and every proxy appointing a proxy holder who casts a ballot upon a poll shall be retained by the SSRA for such period and be subject to such inspection as the *Societies Act* may provide.

- 6.13 Unless the *Societies Act* or these By-laws otherwise provide, any action to be taken by a resolution of the members may be taken by an Ordinary Resolution.

PART 7

VOTES OF MEMBERS

7. VOTES OF MEMBERS

- 7.1 Subject to the provisions set forth in these By-laws and the *Societies Act*:
- a) on a show of hands, every member present in person, by proxy or by authorized representative, who is entitled to vote at a general meeting, shall have one vote; and
 - b) on a poll, every member entitled to vote on that poll at a general meeting, who is present in person, by proxy or by authorized representative, shall:
 - i. in the case of an Owner, have one vote for each Resort Lot that it is the Owner of; and
 - ii. in the case of any other member, have one vote;

Notwithstanding anything in these By-laws to the contrary, only members who are in good standing shall be entitled to vote at a general meeting.

- 7.2 Any member of the SSRA which is not a natural person, may provide the SSRA with written notification it has authorized a person, as it thinks fit to act as its representative at any general meeting or class meeting. The person so authorized shall be entitled to exercise in respect of and at such meeting the same powers on behalf of the member which he represents as that member could exercise if it were an individual member personally present, including, without limitation, the right, unless restricted by such resolution, to appoint a proxy holder to represent such member, and shall be counted for the purpose of forming a quorum if present at the meeting. Evidence of the authorization of any such representative may be sent to the SSRA by written instrument, telegram, facsimile, or any method of transmitting legibly recorded messages.
- 7.3 In the case of members who are Joint Owners of a Resort Lot, such members shall collectively have only one vote arising out of their respective interests in

such Resort Lot. The vote of the person who exercises a vote of a Joint Owner, whether in person or by proxy holder, shall be accepted to the exclusion of the votes of the other members who are Joint Owners of that Resort Lot; and for this purpose seniority shall be determined by the order in which the names stand in the register of members. Several legal personal representatives of a deceased member who is an Owner of a Resort Lot shall be deemed to be Joint Owners of such Resort Lot for the purpose of this By-law.

- 7.4 A member of unsound mind entitled to attend and vote, in respect of whom an order has been made by any court having jurisdiction, may vote, whether on a show of hands or on a poll, or by his committee, curator bonus, or other person in the nature of a committee or curator bonus appointed by that court, or any such committee, curator bonus, or other person may appoint a proxy holder.
- 7.5 A member is entitled to appoint one or more proxies to attend, act and vote for him at any meeting, which the member is entitled to attend and vote as a member. Such a member shall specify the voting rights a proxy shall be entitled to vote. The appointment of a proxy is revocable.
- 7.6 A form of proxy shall be in writing under the hand of the appointor or of his attorney duly authorized in writing or, if the appointor is not a natural person, under the hand of an authorized signatory. A proxy holder need not be a member of the SSRA.
- 7.7 A form of proxy shall be deposited at the registered office of the SSRA or at such other place specified for that purpose in the notice convening the meeting, not less than 48 hours (excluding Saturdays, Sundays and holidays) or such lesser period as the Board may from time to time determine before the time for holding the meeting in respect of which the person named in the instrument is appointed. If the appointor of the form of proxy appoints by way of an attorney, then power of attorney under which the appointment has been made shall be deposited together with the proxy form. If the Board determine proxies may be deposited less than 48 hours (excluding Saturdays, Sundays and holidays) prior to a meeting (or an adjournment thereof), then the proxies (together with power of attorney, if any) may be sent by facsimile may be acted upon as though the proxies themselves were deposited as required by this Part and votes given in accordance with such regulations shall be valid and shall be counted.

- 7.8 Unless the *Societies Act* or any other statute or law which is applicable to the SSRA requires any other form of proxy, a proxy, whether for a specified meeting or otherwise, shall be in the form following, but may also be in any other form that the Board or the Chair of the meeting shall approve.

PROXY

THE SILVER STAR RESORT ASSOCIATION

PROXY APPOINTMENT

[Single meeting, unlimited by default]

[I/We], [specify], being members of the SSRA, appoint [specify], or failing [him/her], [specify] to act as [my/our] proxy at the general meeting to be held on [month, day, year].

Limitations on Proxy, if any *[nil unless otherwise stated]*

Date: *[month, day, year]*.

Signature of Member

Print Name

- 7.9 A vote given in accordance with the terms of a proxy is valid notwithstanding the previous death or incapacity of the member giving the proxy or the revocation of the proxy or of the authority under which the form of proxy was executed or the transfer of the membership in respect of which the proxy was executed or the transfer of the membership in respect of which the proxy is given, provided that no notification in writing on such death, incapacity, revocation or transfer shall have been received at the registered office of the SSRA or by the Chair of the meeting or adjourned meeting for which the proxy was given before the vote is taken.

- 7.10 Every proxy may be revoked by an instrument in writing:

- a) executed by the member giving the same or by his attorney authorized in writing or, where the member is not a natural person, under the hand of an authorized signatory; and
- b) delivered either to the registered office of the SSRA at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof at which the proxy is to be used, or to the Chair of the meeting on the day of the meeting or an adjournment thereof before any vote in respect of which the proxy is to be used shall have been taken; or
- c) in any other manner provided by law.

PART 8

DIRECTORS

8. DIRECTORS

- 8.1 No Director shall be paid for serving as a Director but may be reimbursed for reasonable expenses incurred by him or her in the performance of his or her duties as a Director of the SSRA.
- 8.2 The SSRA shall have the following Directors who shall be elected or appointed in accordance with this Part 8:
 - a) as long as the Silver Star Mountain Operator is not in default of its payment obligations to the SSRA that may be due pursuant to By-law 19, the Silver Star Mountain Operator shall be entitled to appoint 2 Directors, provided that the tenure of any Director appointed by the Silver Star Mountain Operator pursuant to this By-law 8.3 a) shall terminate at the same time as the Silver Star Mountain Operator ceases for any reason whatsoever to be a member of the SSRA or loses for any reason whatsoever the right to appoint Directors; and
 - b) the members of the SSRA, as provided in By-laws 8.4 and 8.5, shall elect 9 Directors (the "Elected Directors").

8.3 The following definitions and criteria will apply to Part 8 of these By-laws:

a) Subject to By-law 8.4 c), for the purpose of this Part 8 the following definitions shall apply:

i. a "Commercial Director" means a Director elected by the vote of all members of the SSRA who:

(A) are Commercial Owners; provided that:

1. the Silver Star Mountain Operator shall not qualify to vote as a Commercial Owner for any Resort Lot of which the Silver Star Mountain Operator is the Owner; and
2. the Owner of any Resort Lot on which commercial activities are carried out under the management of the Silver Star Mountain Operator shall not be qualified to vote as Commercial Owner in respect to such Resort Lot;

(B) are Non-Resident Business Owners; or

(C) are Occupiers who have become members in their own right pursuant to By-law 3.1;

ii. a "Hotel Lodging Director" means a Director elected by those members of the SSRA who are Owners of a Hotel Lodging Resort Lot;

iii. a "Residential Lodging Director" means a Director elected by those members of the SSRA who are Owners of a Residential Lodging Resort Lot;

iv. a "Residential Director" means a Director elected by those members of the SSRA who are Owners of a Residential Resort Lot;

v. a "Single Owner Hotel Lodging Director" means a Director elected by those members of the SSRA who are Owners of a Single Owner Hotel Lodging Resort Lot; and

- vi. an "At Large Director" means a Director elected by all members of the SSRA including those members of the SSRA who are Owners of a Developing Resort Lot.
- b) If any member is qualified under more than one provision of By-law 8.4 a) i. to v. inclusive, then it shall be entitled to vote for each class of Directors for which it is qualified to vote. Notwithstanding the foregoing, the Silver Star Mountain Operator shall not be entitled to vote for Directors in the Commercial Director class.
- c) Any dispute as to the qualifications of a member to vote for any class of Director under By-law 8.4 a) i. to v. inclusive, or the interpretation of any one or more of the definitions of Commercial Owner, Carry on Business, Commercial Resort Lot, Hotel Lodging, Non-Resident Business Owner, Occupier, Residential Lodging, Single Owner Hotel Lodging, Hotel Lodging Resort Lot, Residential Lodging Resort Lot, Residential Resort Lot, Single Owner Hotel Lodging Resort Lot, Developing Resort Lot or any of the other defined terms used in this By-law 8.4, shall be referred to the Board who shall determine the issue, which shall be binding upon all the members. The Board shall not be obligated to give reasons for their determination.

8.4 The Elected Directors shall be elected and retire in rotation as follows:

- a) at incorporation, the incorporators shall appoint the 9 Elected Directors on the following basis:
 - i. 1 Residential Director whose term shall expire at the first annual general meeting after incorporation;
 - ii. 2 Residential Lodging Directors, one of whose term shall expire at the first annual general meeting after incorporation, and the other whose term shall expire at the annual general meeting two years after incorporation;
 - iii. 2 Hotel Lodging Directors, one of whose term shall expire at the first annual general meeting after incorporation, and the other whose term shall expire at the annual general meeting two years after incorporation;

- iv. 1 Commercial Director whose term shall expire at the first annual general meeting after incorporation;
 - v. 1 Single Owner Hotel Lodging Director whose term shall expire at the annual general meeting held two years after incorporation; and
 - vi. 2 At Large Directors, one of whose term shall expire at the first annual general meeting after incorporation, and the other whose term shall expire at the annual general meeting two years after incorporation.
- b) at the first annual general meeting of the members following incorporation, the following Directors appointed on incorporation:
- i. the Residential Director;
 - ii. the one of the Residential Lodging Directors who has the first alphabetical last name;
 - iii. the one of the Hotel Lodging Directors who has the first alphabetical last name;
 - iv. the Commercial Director; and
 - v. the one of the At Large Directors who has the first alphabetical last name

shall be deemed to resign and elections shall be held for such positions, with the persons elected to hold office for a new two (2) year term;

- c) at the second annual general meeting of the members following incorporation, the remainder of the first Directors appointed on incorporation shall be deemed to resign and elections shall be held for such positions, with the persons elected to hold office for a new two (2) year term;
- d) at each successive annual general meeting of the members thereafter, those Directors whose terms then expire shall be deemed to resign and

elections shall be held for such positions, with the persons elected to hold office for a new two (2) year term; and

- e) a retiring Director may stand for re-election at the meeting at which they retire.

8.5 A Director appointed by the Silver Star Mountain Operator shall remain a Director of the SSRA until such time as the Silver Star Mountain Operator revokes such an appointment, he resigns, dies or is otherwise disqualified from continuing to act. If there is a vacancy in the office of such Director, then the Silver Star Mountain Operator shall have the right to provide a written notification of appointment of a person to fill that vacancy.

8.6 The following provisions apply to Elected Directors:

- a) Where the SSRA fails to hold an annual general meeting in accordance with the *Societies Act*, the Directors then in office shall be deemed to have been elected or appointed as Directors on the last day on which the annual general meeting could have been held pursuant to these By-laws and they may hold office until other Directors are appointed or elected or until the day on which the next annual general meeting is held.
- b) If at any general meeting at which there should be an election of Directors, the places of any of the retiring Directors are not filled by such election, the retiring Directors who are not re-elected, may be requested by the newly-elected Directors and if willing to do so, continue in office to complete the number of Directors until further new Directors are elected at a general meeting convened for that purpose. If any such election or continuance of Directors results in the election or continuance of less than the number of Directors required to be elected such number shall be fixed at the number of Directors actually elected or continued in office.
- c) The SSRA may by Special Resolution remove any Director before the expiration of his period of office, and may, in accordance with the voting method and criteria as set out in By-law 8.3 and 8.4, appoint another person in his stead.
- d) The provisions of this By-law 8.8 apply only to the Elected Directors.

8.7 Any Director who is not an Elected Director may by instrument in writing delivered to the SSRA appoint any person to be his alternate to act in his place at meetings of the Board at which he is not present. Every such alternate Director shall be entitled to notice of every meeting at which the person appointing him is not personally present and, if he is a Director, to have a separate vote on behalf of the Director he is representing in addition to his own vote. A Director who is not an Elected Director may at any time by instrument, telegram, facsimile or any method of transmitting legibly recorded messages delivered to the SSRA revoke the appointment of an alternate Director appointed by him.

8.8 The office of any Elected Director shall be vacated if the Director:

- a) resigns his office by notice in writing delivered to the registered office of the SSRA; or
- b) is convicted within or without the Province of an offence in connection with the promotion, formation or management of a corporation or of an offence involving fraud; or
- c) ceases to be qualified to act as a Director pursuant to the *Societies Act*; or
- d) dies.

8.9 The Board may act notwithstanding any vacancy on the Board. Any vacancy on the Board of Elected Directors may be filled by the Board. The term of office of a Director filling a vacancy, shall expire at the next annual general meeting following his appointment.

PART 9

POWERS AND DUTIES OF DIRECTORS

9. POWERS AND DUTIES OF DIRECTORS

- 9.1 The Board shall manage, or supervise the management of, the affairs and business of the SSRA and shall have the authority to exercise all such powers of the SSRA as are not, by the *Societies Act* or by these By-laws, required to be exercised by the SSRA in general meeting, subject, nevertheless, to these By-laws and all laws affecting the SSRA and to any regulations, not inconsistent with these By-laws, made from time to time by Ordinary Resolution, but no such regulation shall invalidate any prior valid act of the Board.

PART 10
CONFLICTS OF INTERESTS OF DIRECTORS

10. CONFLICT OF INTERESTS OF DIRECTORS

- 10.1 Subject to the provisions of the *Societies Act*, A Director who has a direct or indirect material interest in:

- a) a contract or transaction, or a proposed contract or transaction of the SSRA; or
- b) a matter that is or is to be the subject of consideration by the Board if that interest could result in the creation of a duty or interest that materially conflicts with that Director's duty or interest as a Director of the SSRA;

must:

- c) disclose fully and promptly to the other Directors the nature and extent of the Director's interest;
- d) abstain from voting on a Director's resolution or consenting to a consent resolution of the Directors in respect of the contract, transaction or matter referred to in sections a) and b) above;
- e) leave the Directors' meeting, if any, when the contract, transaction or matter is discussed or voted on, unless asked by the other directors to be present to provide information; and
- f) refrain from any action intended to influence the discussion or vote.

- 10.2 A disclosure under By-law 10.1 c) above must be evidenced in at least one of the following records:

- a) The minutes of a meeting of directors;

- b) A consent resolution of directors;
 - c) A record addressed to the directors that is delivered to the delivery address, or mailed by registered mail to the mailing address, of the registered office of the SSRA.
- 10.3 If all of the Directors of the SSRA have disclosed under By-law 10.1 c) above a direct or indirect material interest, described in 10.1 a) and b), in a contract, transaction or matter than any or all of the Directors may despite By-law 10.1 d), vote on a Director's resolution or consent to a consent resolution of the Directors in respect of the contract, transaction or matter and By-laws 10.1 e) and f) do not apply.
- 10.4 A Director of the SSRA to whom By-laws 10.1 and 10.2 applies must pay to the SSRA an amount equal to any profit made by the Director as a consequence of the SSRA entering into or performing a contract or transaction unless:
- a) The Director discloses the Director's interest in the contract or transaction in accordance with, and otherwise complies with, By-laws 10.1 and 10.2, and, after the disclosure, the contract or transaction is approved by a Directors' resolution; or
 - b) the contract or transaction is approved by Special Resolution after the nature and extent of the Director's interest in the contract or transaction has been fully disclosed to the members.
- 10.5 A Director shall not be entitled to vote at any meeting of the Board in respect to any contract or arrangement in which he is interested as aforesaid, but shall be counted for the purpose of computing the quorum necessary for the transaction of the business at any such meeting notwithstanding his interest.

PART 11

PROCEEDINGS OF DIRECTORS

11. PROCEEDINGS OF DIRECTORS

- 11.1 The Chair of the Board shall preside as Chair at every meeting of the Board, or if the Chair of the Board is not present within 15 minutes of the time appointed for holding the meeting or is not willing to act as Chair or, if the Chair of the Board has advised the Board that he will not be present at the meeting and the

Vice-Chair is not in attendance, the Directors present shall choose one of their number to be Chair of the meeting.

- 11.2 The Board may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes, and in case of an equality of votes, the Chair of the meeting shall not have a second or casting vote. Meetings of the Board held at regular intervals may be held at such place, as such time and upon such notice (if any) as the Board may by resolution from time to time determine.
- 11.3 Directors may hold a meeting of the Board or of any committee of the Board by means of conference telephones or other communications facilities by means of which all Directors participating in the meeting can hear each other and provided that all such Directors agree to such participation. Directors holding a meeting in accordance with this By-law shall be deemed to be present at the meeting and to have so agreed and shall be counted in the quorum therefore and be entitled to speak and vote thereat.
- 11.4 Meetings of the Board may be called by the Chair, the Vice-Chair or upon the request of a Director. Reasonable notice of such meeting specifying the place, day and hour of such meeting shall be given by mail, postage paid, addressed to each of the Directors and alternate Directors at his address as it appears on the books of the SSRA or by leaving at his usual business or residential address or by telephone, telegram, facsimile, email or any method of transmitting legibly recorded messages. It shall not be necessary to give notice of a meeting of the Board to any Director or alternate Director if such meeting is to be held immediately following a general meeting at which such Director shall have been elected or is the meeting of the Board at which such Director is appointed.
- 11.5 The quorum necessary for the transaction of the business of the Board shall be a majority of the Directors then in office.
- 11.6 The continuing Directors may act notwithstanding any vacancy in their body but, if and so long as their number is reduced below the number fixed pursuant to these By-laws as the necessary quorum of the Board, the continuing Directors may act for the purpose of increasing the number of Directors to that number (provided always that the Board shall not be authorized to appoint a Director

who would otherwise be appointed by the Silver Star Mountain Operator), or of summoning a general meeting of the SSRA, but for no other purpose.

- 11.7 Subject to the provisions of the *Societies Act*, all acts done by any meeting of the Board or of a committee of the Board, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the qualification, election or appointment of any such Directors or of the members of such committee or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly elected or appointed and was qualified to be a Director.
- 11.8 A resolution consented to in writing, whether by document, telegram, email, facsimile or any method of transmitting legibly recorded messages or other means, by all Directors shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and held. Such resolution may be in two or more counterparts, which together shall be deemed to constitute one resolution in writing. Such resolution shall be filed with the minutes of the proceedings of the Board and shall be effective on the date stated thereon or on the latest date stated on any counterpart.
- 11.9 The Board may from time to time permit any person: (i) to attend meetings of the Board or Committees of the Board; (ii) to receive notices of such meetings and all materials distributed to the Board for the purposes of such meetings; (iii) to receive copies of all minutes of such meetings and of all resolutions of the Board or any committee of the Board consented to in writing; and, (iv) to examine the financial statements and records of the SSRA.

PART 12

COMMITTEES

12. COMMITTEES

- 12.1 The Board may establish any committees of Directors that they consider in the best interests of the SSRA and may delegate to such committees any of the powers of the Board. Any committee so appointed may, subject to a resolution of the Board and these Bylaws, meet for the transaction of business, adjourn and otherwise regulate its meetings as it sees fit.

- 12.2 The Board may by resolution appoint such other committees consisting of such Directors, such members of the SSRA who need not be a member of the Board, and/or such members of the community that the Board believes can provide value to the SSRA, for such purposes as the Directors shall think fit, but may not delegate to any such committee any of the powers of the Board.
- 12.3 Every committee constituted by the Board shall have the authorities, powers and discretion which may be delegated to it and shall act in accordance with any requirements, including reporting, which the Board may impose upon such committee.
- 12.4 The Board may, by resolution, at any time remove any person appointed to any committee by the Board.
- 12.5 The members of a committee may meet and adjourn as they think fit.

PART 13

OFFICERS

13 OFFICERS

- 13.1 At the first Board meeting after an annual general meeting, the Directors shall elect a Chair, Vice-Chair, or such other officers as they see fit, from amongst the Directors; all of whom shall hold office until their successors are duly elected, they resign or they are removed from office by the Board at any time with or without cause and with or without notice.
- 13.2 The Chair, or in his absence, the Vice-Chair or in their absence, such person as a meeting may elect, shall preside as chair at all meetings of the Directors.
- 13.3 If the Chair or the Vice-Chair is not present within fifteen minutes after the time appointed for holding any meeting or, if present, is unwilling to act as chair, the Directors present shall choose someone of their number to be chair of the meeting.

- 13.4 The Vice-Chair shall assist the Chair at all times in any or all of his duties of office as the Chair shall decide, and shall also carry out the duties of the Chair in the absence of the Chair.
- 13.5 When someone is elected as Chair pursuant to By-law 13.1, they shall hold that office until: they resign; they are removed from office by the Board of Directors at any time; or, their successor is elected pursuant to By-law 13.1.
- 13.6 If the office of Chair becomes vacant, the Vice-Chair shall automatically become Chair, and shall hold that office until: they resign; they are removed from office by the Board at any time; or, their successor is elected pursuant to By-law 13.1.
- 13.7 The Chair shall, or shall cause the President (if any is appointed), to prepare, maintain and have charge of the financial books and records of the SSRA and to cause to be recorded therein all sums of money received and expended by the SSRA and the matters in respect of which the receipt and expenditure took place, the assets and liabilities of the SSRA and all other transactions affecting the financial position of the SSRA.
- 13.8 The Chair shall, or shall cause the President (if any is appointed), to prepare, maintain and have custody of the minutes of proceedings of meetings of the members and the Board, and the books and records of the SSRA other than the financial books and records and shall record or cause to be recorded therein a copy of the By-laws of the SSRA and any resolution altering or adding thereto, copies or originals of all contracts, resolutions and other documents as are required by law to be so recorded.
- 13.9 The duties and functions of other officers shall be as determined from time to time by the Board.
- 13.10 No officer that also holds office as a Director shall receive any remuneration from the SSRA for services rendered as an officer but any expenses incurred by an officer on behalf of the SSRA may be reimbursed with the approval of the Board.
- 13.11 Separate elections shall be held for each office to be filled. An election may be by acclamation; otherwise it shall be by ballot. If no successor is elected the person previously elected or appointed continues to hold office.

- 13.12 Every officer of the SSRA who holds any office or possesses any property whereby, whether directly or indirectly, duties or interests might be created in conflict with his duties or interests as an officer of the SSRA shall, in writing, disclose to the Board the fact and the nature, character and extent of such conflict.
- 13.13 The Board may select and employ an officer (for the purposes of these By-laws, known as the "President" or such other title as determined by the Board from time to time), who shall not be a Director and who shall be the direct representative of the Board in the management of the affairs of the SSRA. The President shall be given the necessary authority and be held responsible for the day-to-day operations and affairs of the SSRA, subject to the policies and procedures that may be approved from time to time by the Board or the members. Subject to the foregoing, the authority of the President shall be as specified and approved in writing by the Board from time to time in their discretion. All other staff of the SSRA (if any), whether salaried or contracted, shall be responsible to the President, who shall be designated as their supervisor.

PART 14

INDEMNITY AND PROTECTION OF DIRECTORS, OFFICERS AND EMPLOYEES

14. INDEMNITY AND PROTECTION OF DIRECTORS, OFFICERS AND EMPLOYEES

- 14.1 Subject to the provisions of the *Societies Act*, and except in the case where the Director or former Director has been found, by the express terms of a final judgement, to have been grossly negligent or to have wilfully misconducted himself or herself, the Board shall cause the SSRA to indemnify such Director or former Director and their heirs and personal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgement, actually and reasonably incurred by him or them including an amount paid to settle an action or satisfy a judgement in a civil, criminal or administrative action or proceeding to which he is or they are made a party by reason of his being or having been a Director, including any action brought by the SSRA. Each Director on being elected or appointed shall be deemed to have contracted with the SSRA on the terms of the foregoing indemnity.

- 14.2 Subject to the provisions of the *Societies Act*, and except in the case where any officer, employee or agent of the SSRA has been found, by the express terms of a final judgement, to have been grossly negligent or to have wilfully misconducted himself or herself, the Board shall cause the SSRA to indemnify such officer, employee or agent of the SSRA, and their heirs and personal representatives (notwithstanding that he is also a Director) and his heirs and personal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgement, actually and reasonably incurred by him or them including an amount paid to settle an action or satisfy a judgement in a civil, criminal or administrative action or proceeding to which he is or they are made a party by reason of his being or having been an officer, employee or agent of the SSRA, including any action brought by the SSRA. Each officer on being hired, elected or appointed shall be deemed to have contracted with the SSRA on the terms of the foregoing indemnity.
- 14.3 The failure of a Director or officer of the SSRA to comply with the provisions of the *Societies Act*, the Act or these By-laws, shall not invalidate any indemnity to which he is entitled under this part except where the Director did not act honestly and in good faith with a view to the best interest of the SSRA.
- 14.4 The Board may cause the SSRA to purchase and maintain insurance for the benefit of any person who is or was serving as Director, officer, employee or agent of the SSRA or as a director, officer, employee or agent of any corporation of which the SSRA is or was a shareholder, against any liability incurred by him as such Director, officer, employee or agent.

PART 15

DOCUMENTS, RECORDS AND REPORTS

15. DOCUMENTS, RECORDS AND REPORTS

- 15.1 The SSRA shall keep at its head office or at such other place as the *Societies Act* may permit, the documents, copies, registers, minutes, and records, which the SSRA is required by the *Societies Act* to keep at its head office or such other place, as the case may be.
- 15.2 The SSRA shall cause to be kept proper books of account and accounting record in respect of all financial and other transactions of the SSRA in order to properly

record the financial affairs and conditions of the SSRA and to comply with the *Societies Act*.

- 15.3 Upon a request to, and with the approval of the Board, a member of the SSRA shall be entitled to inspect the accounting records of the SSRA.
- 15.4 The Board shall from time to time at the expense of the SSRA cause to be prepared and laid before the SSRA at each annual general meeting such financial statements and reports as are required by regulations under the *Societies Act* and all other applicable laws.
- 15.5 Every member shall be entitled to be furnished once gratis on demand with a copy of the latest annual financial statement of the SSRA and, if so required by the *Societies Act*, a copy of each such annual financial statement shall be delivered to each member by sending it by mail to him to his address as recorded in the register of members, or by such other means as the SSRA may stipulate from time to time in writing to the members.

PART 16

NOTICES

16. NOTICES

- 16.1 A notice, statement or report may be given or delivered by the SSRA to any member either by delivery to him personally or by sending it by mail to him to his address as recorded in the register of members, or by such other means as the SSRA may stipulate from time to time in accordance with the *Societies Act* (which means may include facsimile or electronic transmission or email, where a member has provided an email address). Where a notice, statement or report is sent by mail, service or delivery of the notice, the statement or report shall be deemed to be effected by properly addressing, prepaying and mailing the notice, statement or report and to have been given on the day, Saturdays, Sundays and holidays excepted, following the date of mailing. Where a notice, statement or report shall be deemed to be effected by the manner stipulated by the member in the aforesaid notice and to have been given on the day, Saturdays, Sunday and statutory holidays excepted, following the date of transmission. A certificate signed by an officer of the SSRA or any Director, or agent acting in that behalf for the SSRA, that the letter, envelope or wrapper

containing the notice, statement or report was so addressed prepaid and mailed shall be conclusive evidence thereof.

- 16.2 A notice, statement or report may be given or delivered by the SSRA to the Joint Owners of a Resort Lot by giving the notice to the Joint Owner first named in the register of members in respect of the Resort Lot.
- 16.3 A notice, statement or report may be given or delivered by the SSRA to the Persons entitled to a membership in consequence of the death, bankruptcy or incapacity of a member by sending it through the mail prepaid addressed to them by name or by the title of representatives of the deceased or incapacitated person or trustee of the bankrupt, or by any like description, to the address (if any) supplied to the SSRA for the purpose by the persons claiming to be so entitled, or (until such address has been so supplied) by giving the notice in a manner in which the same might have been given if the death, bankruptcy or incapacity had not occurred.
- 16.4 Notice of every general meeting or meeting of members of a specific class shall be given in a manner hereinbefore authorized to every Person being a member at the time of the issue of the notice or the date fixed for determining the members entitled to such notice, whichever is the earlier. No other Person except the Auditor and lawyer of the SSRA and the Board shall be entitled to receive notices of any such meeting.

PART 17

RECORD DATES

17. RECORD DATES

- 17.1 The Board may fix in advance a date, which shall not be more than 49 days preceding the date of any meeting of members or any class thereof or of the proposed taking of any other proper action requiring the determination of members as the record date for the determination of the members entitled to notice of, or to attend and vote at, any such meeting and any adjournment thereof, or for any other proper purpose. Only members of record on the date so fixed shall be deemed to be members for the purposes aforesaid.

- 17.2 Where no record date is so fixed for the determination of members as provided in the preceding By-law the date on which the notice is mailed shall be the record date for such determination.

PART 18

SEAL

18. SEAL

- 18.1 The Board may adopt a Seal for the SSRA and, if they do so, shall provide for the safe custody of the Seal which shall not be affixed to any instrument except in the presence of the following persons, namely:

- a) any two Directors, or
- b) any such person or persons as the Board may from time to time by resolution appoint, and

such Directors or persons, in whose presence the Seal is so affixed to an instrument, shall sign such instrument. For the purpose of certifying under Seal true copies of any document or resolution the Seal may be affixed in the presence of any one of the foregoing persons.

PART 19

AMENDMENT OF BY-LAWS

19. AMENDMENT OF BY-LAWS

- 19.1 These By-laws may only be added to, amended or repealed by a Special Resolution with the approval of the minister and the RDNO.

PART 20

ASSESSMENTS PAYABLE BY MEMBERS

20. ASSESSMENTS PAYABLE BY MEMBERS

- 20.1 The total Assessment the Silver Star Mountain Operator shall be required to pay to the SSRA during each fiscal year of the SSRA, commencing with the first full fiscal year of the SSRA shall be an amount that is not greater than twenty-five percent (25%) of the total of all Assessments levied by the SSRA in each fiscal year of the SSRA, provided that such amount is not less than \$200,000 in each fiscal year of the SSRA;

The Assessment amount levied to the Silver Star Mountain Operator is irrespective of how many Resort Lots the Silver Star Mountain Operator may be an Owner or the Occupier of.

- 20.2 The SSRA shall levy Assessments to its members, other than the Silver Star Mountain Operator, as follows:

- a) All members who are Occupiers or a Tourism Agent of an Owner of a Resort Lot, and who are not Residential Tenants, shall be levied an Assessment of \$750 per year.
- b) All members who are Contributing Members shall be levied an Assessment of \$250 per year.
- c) All members who operate any number of Home Based Businesses shall each be levied an aggregate Assessment of \$750 per year.
- d) All members who are Non-Resident Business Owners shall be levied an Assessment of \$1,500 per year.
- e) All members who are Commercial Owners shall be levied an Assessment per year, for each Commercial Resort Lot they are an Owner of, based on the square footage of the buildings and improvements on each such Commercial Resort Lot as follows:

<u>Square Footage</u>	<u>Annual Assessment</u>
0-799	\$2,000
800-1,399	\$4,000
1,400-1,999	\$5,500
2,000-2,499	\$6,500

2,500 or more \$7,000

Provided however, that in calculating the square footage, corridors, stairways, kitchen, laundry and utility rooms, public portions of lobby areas, washrooms, storage areas and other similar areas shall not be considered.

- f) All members who are Owners of a Single Owner Hotel Lodging Resort Lot shall be levied an Assessment for each Single Owner Hotel Lodging Resort Lot they are an Owner of, based on the number of Sleeping Rooms as follows:

<u>i.</u>	<u>Number of Sleeping Rooms</u>	<u>Annual Assessment</u>
	One Sleeping Room	\$400
	Two Sleeping Rooms	\$650
	Three Sleeping Rooms	\$800
	or more; and	

- ii. the amount per year based on the square footage of the buildings and improvements on each such Single Owner Hotel Lodging Resort Lot, excluding the rooms for which a levy was paid in sub-paragraph i. above, as follows:

<u>Square footage</u>	<u>Annual Assessment</u>
0-799	\$2,000
800-1,399	\$4,000
1,400-1,999	\$5,500
2,000-2,499	\$6,500
2,500 or more	\$7,000

Provided however, that in calculating the square footage of such space, corridors, stairways, kitchen, laundry and utility rooms, public portions of lobby areas, washrooms, storage areas and other similar areas shall not be considered.

- g) All members who are:
- a. Owners of a Residential Lodging Resort Lot; or
 - b. Owners of a Hotel Lodging Resort Lot;

shall be levied an Assessment based on the number of Sleeping Rooms for rent of each Resort Lot that they are the Owner of as follows:

<u>Number of Sleeping Rooms</u>	<u>Annual Assessment</u>
One Sleeping Room	\$400
Two Sleeping Rooms	\$650
Three Sleeping Rooms	\$800
or more	

Provided that, such Assessment shall not be greater than \$1,000 for a member who is an Owner of a Residential Lodging Resort Lot and operates a Home-Based Business.

20.3 All Assessments shall be levied quarterly or as otherwise determined by the Board and shall be payable within thirty (30) days after being levied. Late payments will be assessed interest at the rate determined by the Board.

20.4 The Board may, by resolution, increase the amount of the Assessments in accordance with the British Columbia Consumer Price Index (annual average change for all items) plus 2 points. Any other change in the Assessments must be approved by a Special Resolution.

20.5 For greater certainty:

- a) for members who are Joint Owners of any Resort Lot, the above fees are payable in respect of each Resort Lot, not each such Owner;
- b) other than the Silver Star Mountain Operator, an Owner will be provided with an Assessment for each Resort Lot that it is the Owner of; and
- c) an Owner may be Assessed during the same period for both being a Non-Resident Business Owner and for being an Owner of a Resort Lot, if the Assessment for the Owner's Resort Lot is for a different purpose or enterprise than the business for which the Owner is being classified as a Non-Resident Business Owner.

PART 21

WINDING UP

21. WINDING UP

- 21.1 Subject to requirements specified in the *Societies Act*, the members may wind up the SSRA by special resolution or may amalgamate the SSRA with one or more other societies created under the *Societies Act* or other relevant legislation.
- 21.2 In the event of a winding up or dissolution of the SSRA the funds and property remaining after the payment of all costs, charges and expenses properly incurred in the winding-up or dissolution, including the remuneration of the liquidator, after payment to employees of the SSRA of any arrears of salaries or wages, and after payment of any debts of the SSRA, shall be distributed to another not for profit society or organization situated in British Columbia the purposes of which are similar to those of the SSRA (or if not possible, some other organization whose purpose is beneficial to a British Columbia community) and such organization shall be determined by a majority of the members attending a meeting called for such purpose.

Dated the * day of *, 2019.

APPLICANTS FOR INCORPORATION SIGNING IN COUNTERPART, WITH EACH SUCH COUNTERPART, SO EXECUTED DEEMED TO BE AN ORIGINAL AND SUCH COUNTERPARTS TOGETHER SHALL CONSTITUTE ONE AND THE SAME INSTRUMENT.

SCHEDULE A – RESORT LAND



SCHEDULE B – RESORT PROMOTION AREA



SCHEDULE C

FORM OF NOTICE

TO: Silver Star Resort Association

FROM:

(Name & address of Member)

RE:

(Legal description & residential address of Resort Lot)

THIS IS TO NOTIFY YOU, I no longer own or lease the above-noted Resort Lot, nor do I carry on business at the Resort Lot. The rights to own/lease/carry on business at the Resort Lot are now owned by:

(Name & address of new Resort Lot owner/tenant/business)

Dated: _____

at _____

By:

(Signature of Member)

From: [Julie Richard](#)
To: [Mueller, Brent MAH:EX](#)
Subject: Silver Star Marketing Task Project
Date: May 5, 2020 9:54:50 AM

Good Morning,
Could you please resend us this referral. I cannot seem to locate this item.
Lim limpt/Thank you
Julie Richard
Okanagan Indian Band
Territorial Stewardship Division
Administrative Assistant
Office: (250) 542-7132 NOTE: the office is currently closed until it is deemed safe to return. I am working from home at this time.
CELL: (250) 309-5217

From: no-reply-ona@knowledgekeeper.ca [<mailto:no-reply-ona@knowledgekeeper.ca>]
Sent: May-04-20 11:33 AM
To: Colleen Marchand <Colleen.Marchand@okanagan.org>; okibreferrals <okibreferrals@okanagan.org>; Brent.Mueller@gov.bca.ca
Subject: Silver Star Marketing Task Project

Hello,

After careful review, s.16
s.16

Please review the attached letter.

Thank you,

Maryssa Bonneau
Referral Administrator
Penticton Indian Band
Natural Resources
email: referrals@pib.ca
phone: (250) 492-0411
address: 841 Westhills Drive S 80 C 19
Penticton, British Columbia
Canada V2A 0E8

This email does not constitute consultation and must not be construed by the Crown or Third Parties as fulfillment of its duty to consult with the Penticton Indian Band. Confidentiality Warning: This e-mail contains information intended only for the use of the addressee(s). You must not copy, disseminate or publish this e-mail.

From: Porter, Dianna MAH:EX
To: "julie.richard@okanagan.org"
Cc: Mueller, Brent MAH:EX
Subject: FW: Silver Star Marketing Task Project
Date: May 5, 2020 1:55:47 PM
Attachments: [Okanagan Indian Band Consultation letter Silver Star FINAL.pdf](#)
[251191 Louis B Silver Star Resort Association Silver Star REL.pdf](#)
[252474 OKIB Silver Star Resort Association letter.pdf](#)
[245893 Silver Star Resort Association Letter to Nations Attachments REL FINAL.pdf](#)
[245893 Silver Star Resort Association Letter to Nations Attachments REL FINAL.pdf](#)
Importance: High

Hi Julie,

Following up on my very brief phone call...

I'm pleased to help you on Brent Mueller's behalf for the Ministry of Municipal Affairs and Housing. The referral below is related to the attached. I'm re-sending the 3 letters that were sent to OKIB for your reference.

If you have any more questions please don't hesitate to ask me and I can be reached at my number below.

Cheers,

Dianna Porter | Senior Program Analyst
Local Government Division | Governance and Structure Branch |
Ministry of Municipal Affairs and Housing
Ph: 778-698-3213

Living, working, and playing on the territories of the Lekwungen and WSÁNEĆ peoples.

From: Julie Richard <julie.richard@okanagan.org>
Sent: May 5, 2020 9:53 AM
To: Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>
Subject: Silver Star Marketing Task Project

Good Morning,

Could you please resend us this referral. I cannot seem to locate this item.

Lim limpt/Thank you

Julie Richard

Okanagan Indian Band
Territorial Stewardship Division
Administrative Assistant

Office: (250) 542-7132 NOTE: the office is currently closed until it is deemed safe to return. I am working from home at this time.

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Sent: May-04-20 11:33 AM
To: Colleen Marchand <Colleen.Marchand@okanagan.org>; okibreferrals
<okibreferrals@okanagan.org>; Brent.Mueller@gov.bca.ca
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Referral Administrator
Penticton Indian Band
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email: referrals@pib.ca
phone: (250) 492-0411
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Penticton, British Columbia
Canada V2A 0E8

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Ref: 245893

June 13 2019

Okanagan Indian Band
12420 Westside Road
Vernon, BC V1H 2A4

Dear Chief and Council :

I am writing today to advise you of and provide background on the Silver Star Marketing Task Force's (Task Force) application for ministerial approval to create a Silver Star Resort Association (SSRA).

I respectfully request your feedback about any concerns or interests that your community may have regarding the formation of a SSRA before the Province makes a decision on this application. That feedback is respectfully requested by July 31, 2019. For reference, the proposed area affected can be seen in the attached maps (Attachments One, Two and Three).

What is a resort association?

A resort association (RA) is an incorporated society established under provincial legislation to promote a resort. RAs are accountable to their members (e.g. property owners in the area covered) for RA activities and financial management.

Once approved, an RA can levy and recover charges from those commercial and residential property owners in the resort land, for promotional activities, which may include central booking, marketing, signage, and special events. These activities can increase visitation, new investment, and development to support resort industry and tourism growth.

There is no change to local government powers as a result of establishing an RA. There would be no impact to any of the services currently provided by the North Okanagan Regional District under any agreements, nor limits to future service arrangements. Moreover, establishing a RA does not affect the Province's administration of the Crown land.

Whistler, Sun Peaks and Red Mountain are the other areas within the province that have established resort associations to fund and promote their resorts.

SilverStar Mountain Resort Master Development Agreement is a separate process

In 2016, the Mountain Resorts Branch of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development initiated consultation with First Nations related to a Master Plan update and the replacement of the Master Development Agreement for SilverStar Mountain Resort. This process is separate from the creation of the proposed SSRA. However, the proposed resort promotion area mirrors the geography of the current Silver Star Controlled Recreation Area.

Creating a Resort Association

The process for creating a new RA starts with identifying the resort promotion area, drafting society bylaws and undertaking community engagement with property owners and stakeholders. From there, local government endorsement, a petition result from owners of land in the area that favours creating an RA, and ministerial approval are required to formally establish an RA. More information about this process can be found here: <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/economic-development/resort-associations>

Proposed Silver Star Resort Association - the current process

The Ministry is reviewing a proposal received February 26, 2019 from the Task Force. The Task Force's package is being reviewed by the Ministry for information about the processes used and for the legislative requirements before the Minister reviews and makes a decision. Public correspondence and other relevant information will also be considered by Ministry staff, including views expressed from those in favour of and opposed to the proposal. More information about the proposal can be found in Attachment Four and on the Task Force's website at: <https://www.ilovesilverstar.com/>.

Timing

It is expected that Ministry staff will be in a position to make a recommendation to the Minister about the SSRA later this year. We are interested in hearing your views and questions on the proposal before the file is presented to the Minister for decision. Your reply is respectfully requested by July 31, 2019.

If you have any questions or concerns, please do not hesitate to contact me by telephone at (778-698-3220) or at Brent.Mueller@gov.bc.ca at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brent Mueller', with a stylized, cursive script.

Brent Mueller
Director, Governance Relations

Attachments (4)



Ref: 252474

Okanagan Indian Band
12420 Westside Road
Vernon, BC
V1H 2A4

Email: okibreferrals@okanagan.org
okibcouncil@okanagan.org

Dear Chief and Council:

I am writing to notify you of the Minister's decision on the application for approval to create a Silver Star Resort Association (SSRA). This is in follow-up to the letter mailed and dated June 13, 2019 and emailed July 2, 2019, on the Silver Star Marketing Task Force's (Task Force) application for approval to create a SSRA.

Thank you for your reply of July 24, 2019, to which we responded on September 11, 2019. Following the September 11, 2019 letter we have not heard anything further from your community. On December 16, 2019, we sent a letter notifying your community that the Ministry would proceed to the decision-making phase, after January 27, 2020, regarding the Task Force's proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan, and confirmed Okanagan Indian Band's (OKIB) receipt of this letter by phone.

On February 25, 2020, Minister Order No. 059 of 2020, Ministerial Order No. 060 of 2020 and Statutory Approval No. 20200021 for the first bylaws of the SSRA were approved by the Minister of Municipal Affairs and Housing pursuant to sections 2(1), 3(1) and 3(5) respectively of the *Resort Association Act*. s.13; s.16

s.13; s.16

This information has been conveyed to the Task Force which now has responsibility for the next steps in the process to establish the Silver Star Resort Association including the filing of the first bylaws with the Registrar of Companies. For more information on these next steps please see: <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/economic-development/resort-associations> or contact the Task Force.

If you have any questions, please do not hesitate to contact me by telephone at 778-698-3220 or via email at Brent.Mueller@gov.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Mueller", with a long horizontal flourish extending to the right.

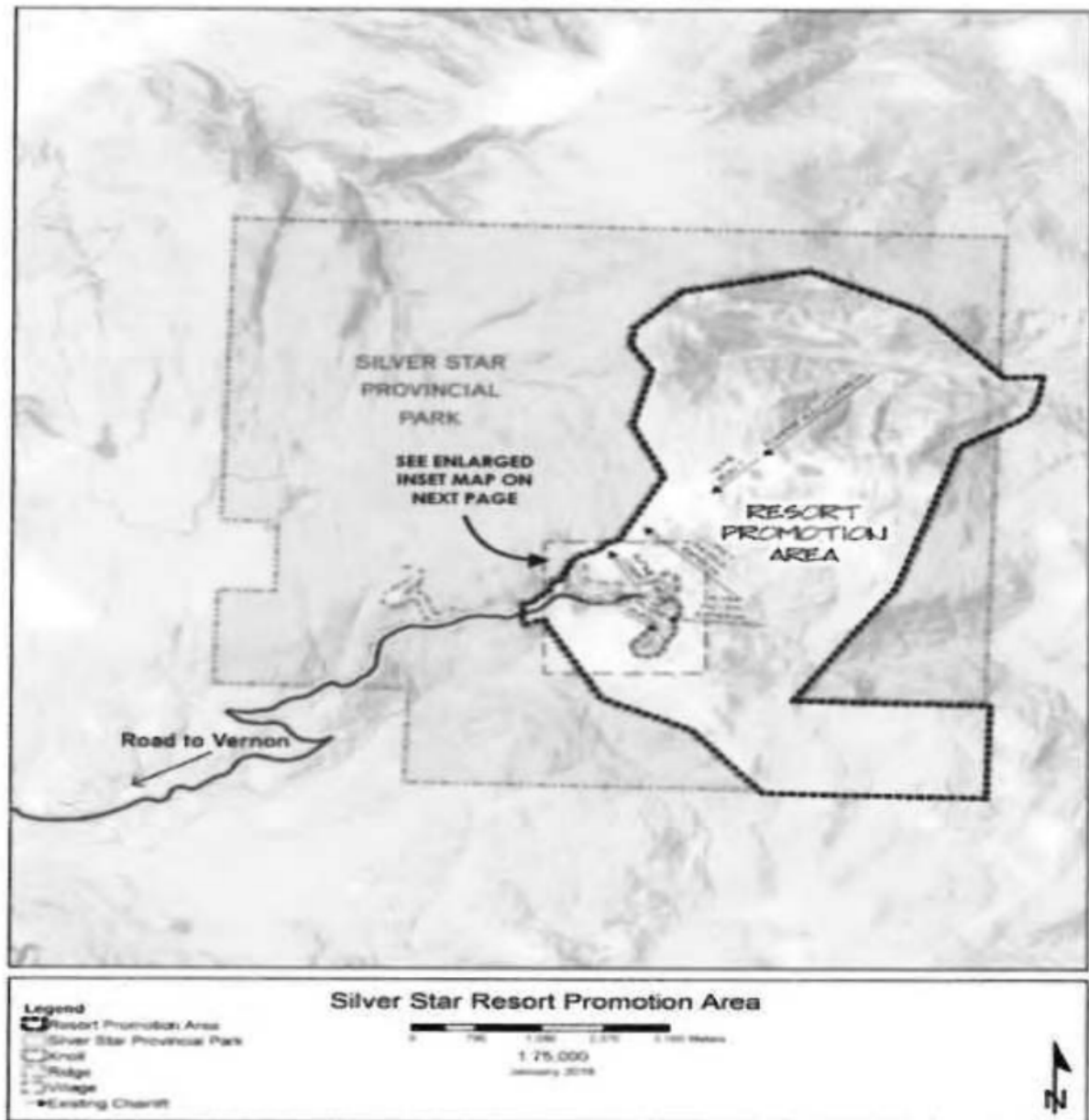
Brent Mueller

Director, Governance and Structure Branch



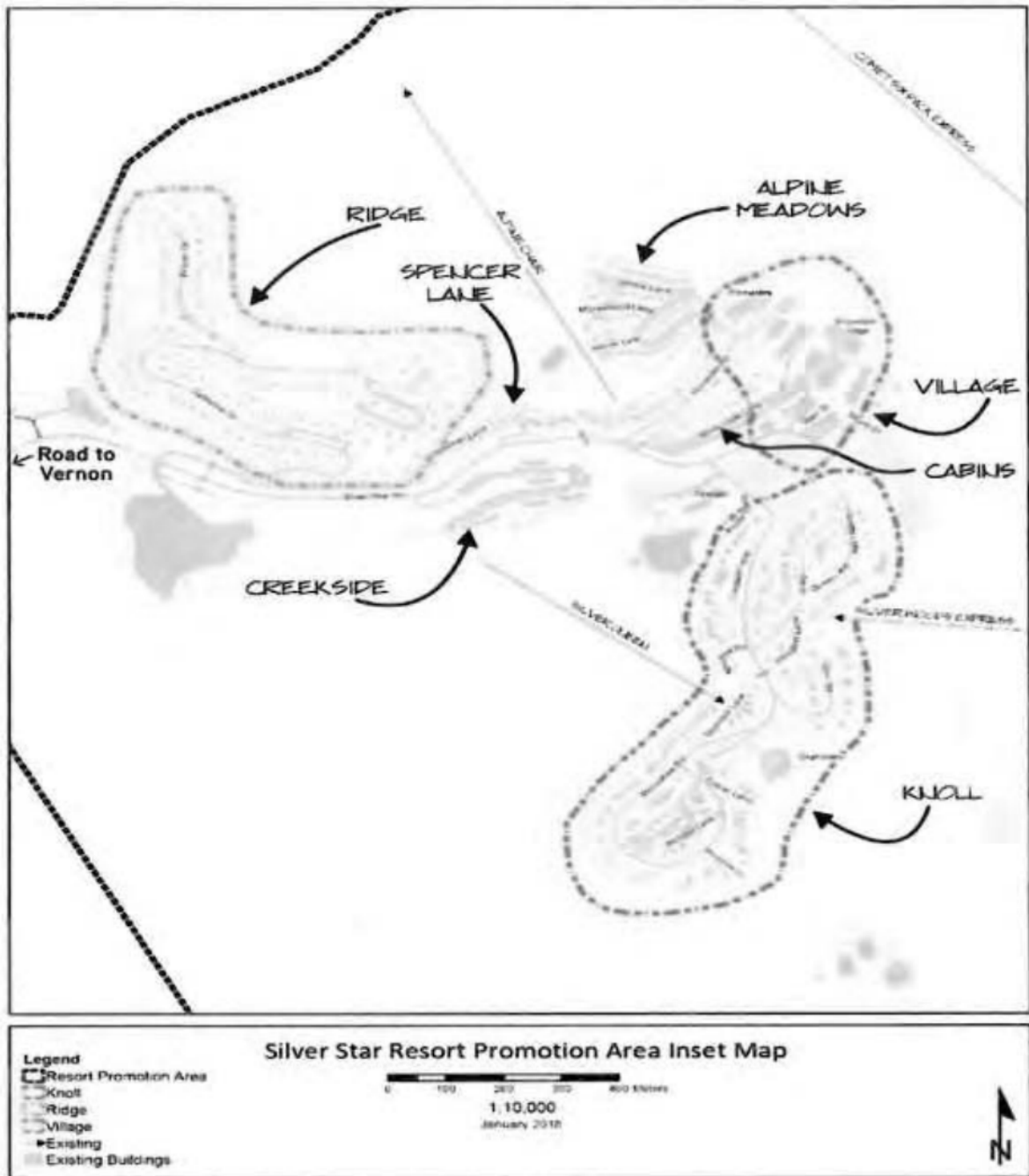
Attachment One: Proposed Resort Association Area (called Resort Promotion Area)

**SCHEDULE A
RESORT PROMOTION AREA**





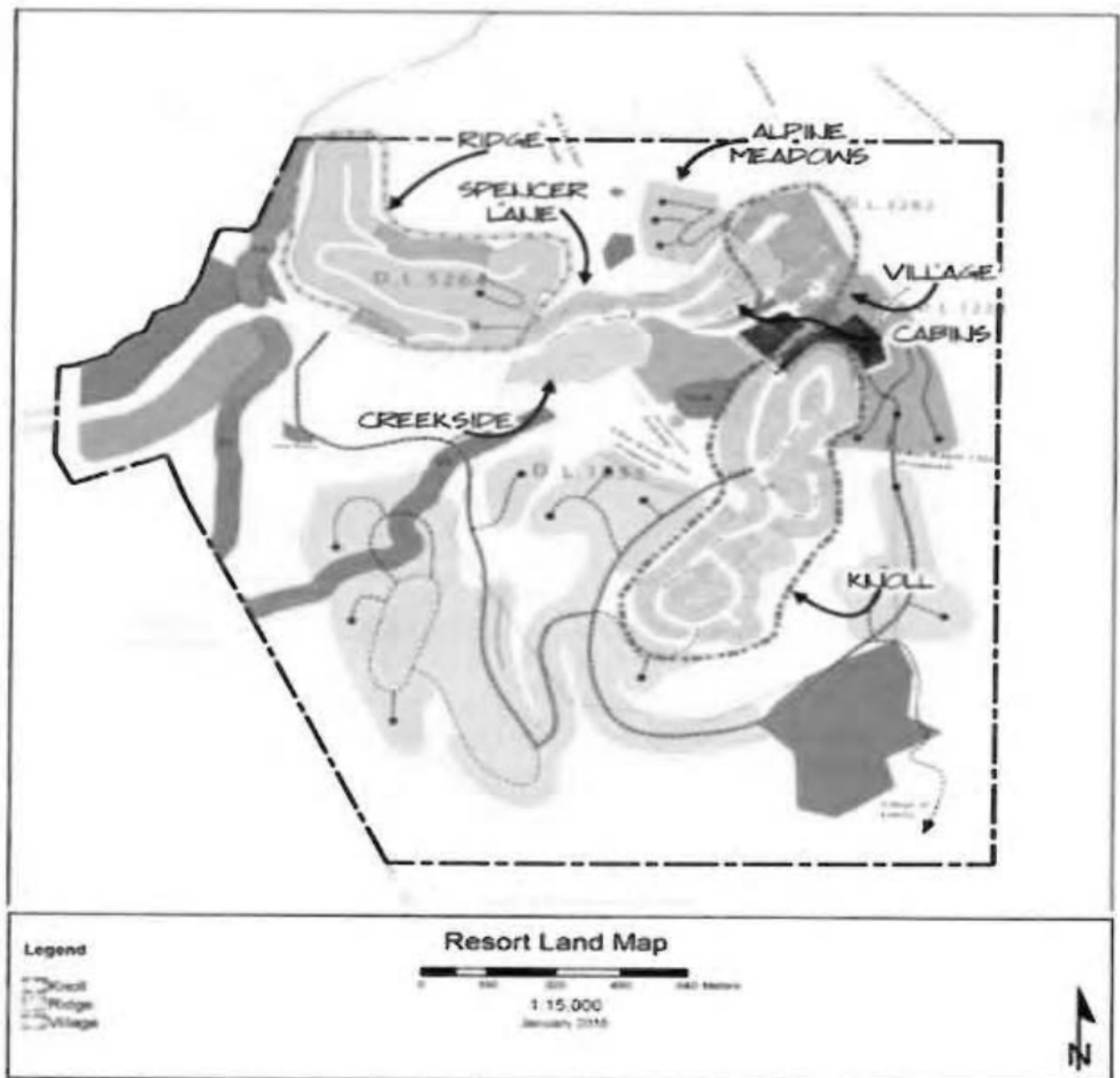
Attachment Two: Inset Map - Proposed Resort Association Area (called Resort Promotion Area)





Attachment Three: Resort Land Map
(proposed area to levy and recover charges from properties being used for commercial benefit)

**SCHEDULE B
RESORT LAND**



Ministry of Municipal Affairs
and Housing

Governance and Structure Branch
Local Government Division

Mailing Address:
PO Box 9839 Stn Prov Govt
Victoria BC V8W 9T1
Phone: 250 387-4020
Fax: 250 387-7972

Location:
4th Floor, 800 Johnson Street
Victoria BC V8V 9T1
www.gov.bc.ca/mah



Attachment Four: RAM, Board Composition, and Budget

Existing SilverStar Mountain Resort Promotion

Currently, there is a resort promotion scheme, or a rent charge, also referred to as the RAM, that provides funds to the SilverStar Mountain Resort but not all properties within the proposed SSRA area have this charge registered on their property title. The Task Force's proposal is for this charge on title to be removed and instead for the SSRA (once it is created) to levy and recover charges from all properties being used for commercial benefit (e.g. providing rentals, lodging or running a business).

Background on Proposed Silver Star Resort Association

The SSRA's intent is to work with the SilverStar Mountain Resort and others to maximize value to the resort. The SSRA board would be comprised of 11 directors in total, of which nine would be elected from these categories: Commercial/Tenant/Independent (1), Hotel Lodging (2), Residential Lodging (2), Residential (1), Single Owner Hotel (1), At Large (2), and 2 appointed by the Resort.

The SSRA's proposed initial annual operating budget would be around \$900,000.00, with most income drawn from levies and recovered charges from members. For reference, this proposed budget is about half of what is currently recorded by the resort association at Sun Peaks (which is known as Tourism Sun Peaks).

More information about the proposal can be found on the Task Force's website at:
<https://www.ilovesilverstar.com/>



December 16, 2019

Ref: 251191

Chief Byron Louis
12420 Westside Road
Vernon, BC V1H 2A4

Email: okibadmin@okanagan.org

Dear Chief Byron Louis and Council:

RE: Proceeding with decision on Silver Star Resort Association.

The Ministry of Municipal Affairs and Housing (Ministry) is informing the Okanagan Indian Band (OKIB) that the Ministry is proceeding to the decision-making phase regarding the Silver Star Marketing Task Force's proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan.

Thank you for your July 22, 2019 response to the letter sent regarding the potential formation of the Silver Star Resort Association (SSRA). Since sending a response to this on September 10, 2019 we have not received anything further from OKIB about the SSRA proposal.

A resort association (RA) is an incorporated society established under provincial legislation to promote a resort. RAs are accountable to their members (e.g. property owners in the area covered) for RA activities and financial management.

The creation of a resort association requires that the Minister take three actions:

- order establishment of a "resort promotion area" [RAA s. 2(1)];
- specify "resort lands" within the resort promotion area, lands which will be subject to the levies of the resort association and incorporate an association [RAA s. 3(1)]; and
- approve the bylaws of the association [RAA s. 3(5)(a)].

.../2

The Ministry intends to proceed with a decision regarding the above proposal after January 27, 2020. If you have any questions or concerns regarding this proposal, please contact me by email at Brent.Mueller@gov.bc.ca or by phone at 778-698-3220.

Sincerely,

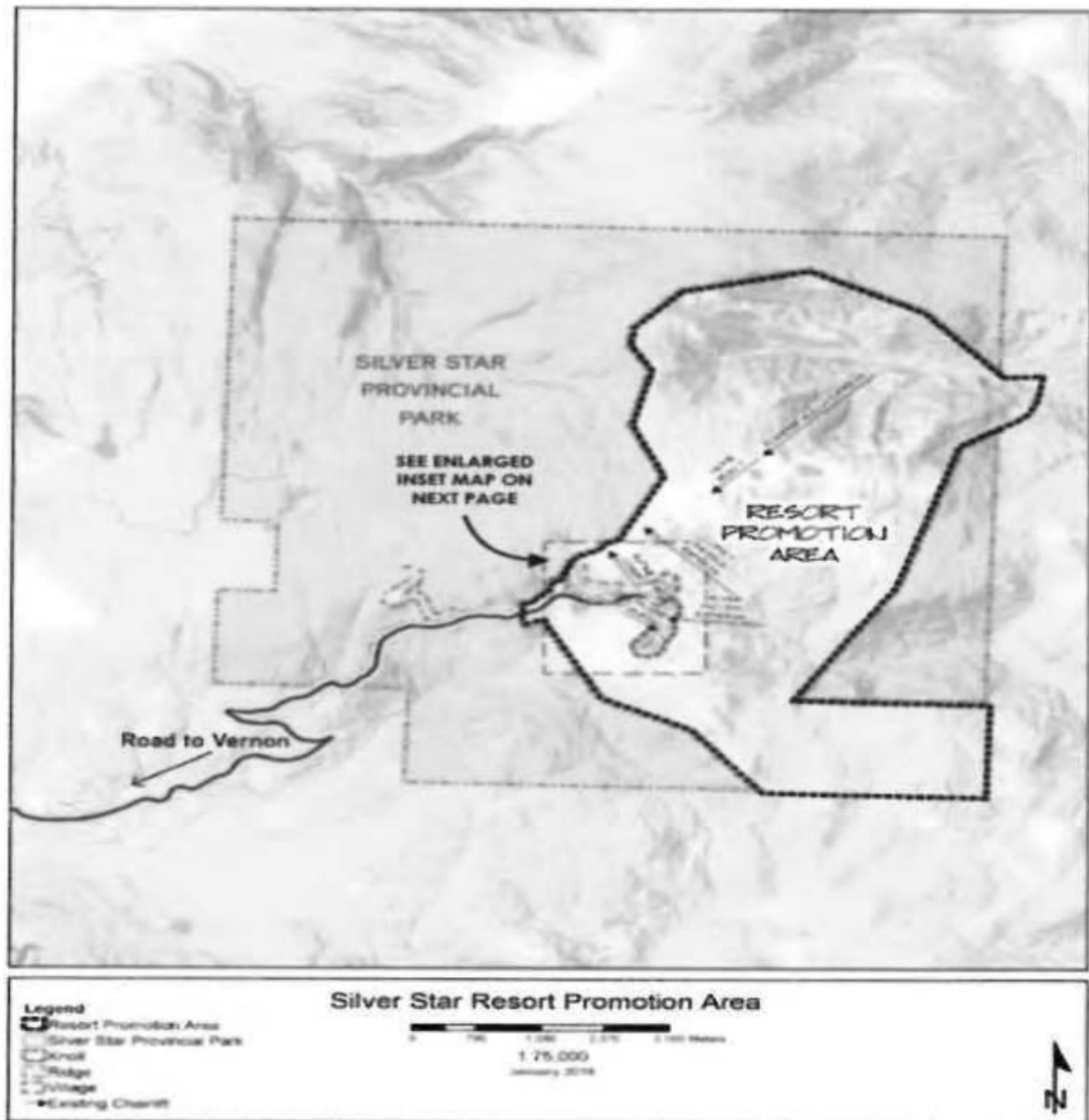
A handwritten signature in black ink, appearing to read "Brent Mueller". The signature is fluid and cursive, with the first name "Brent" and last name "Mueller" clearly distinguishable.

Brent Mueller
Director, Governance Relations



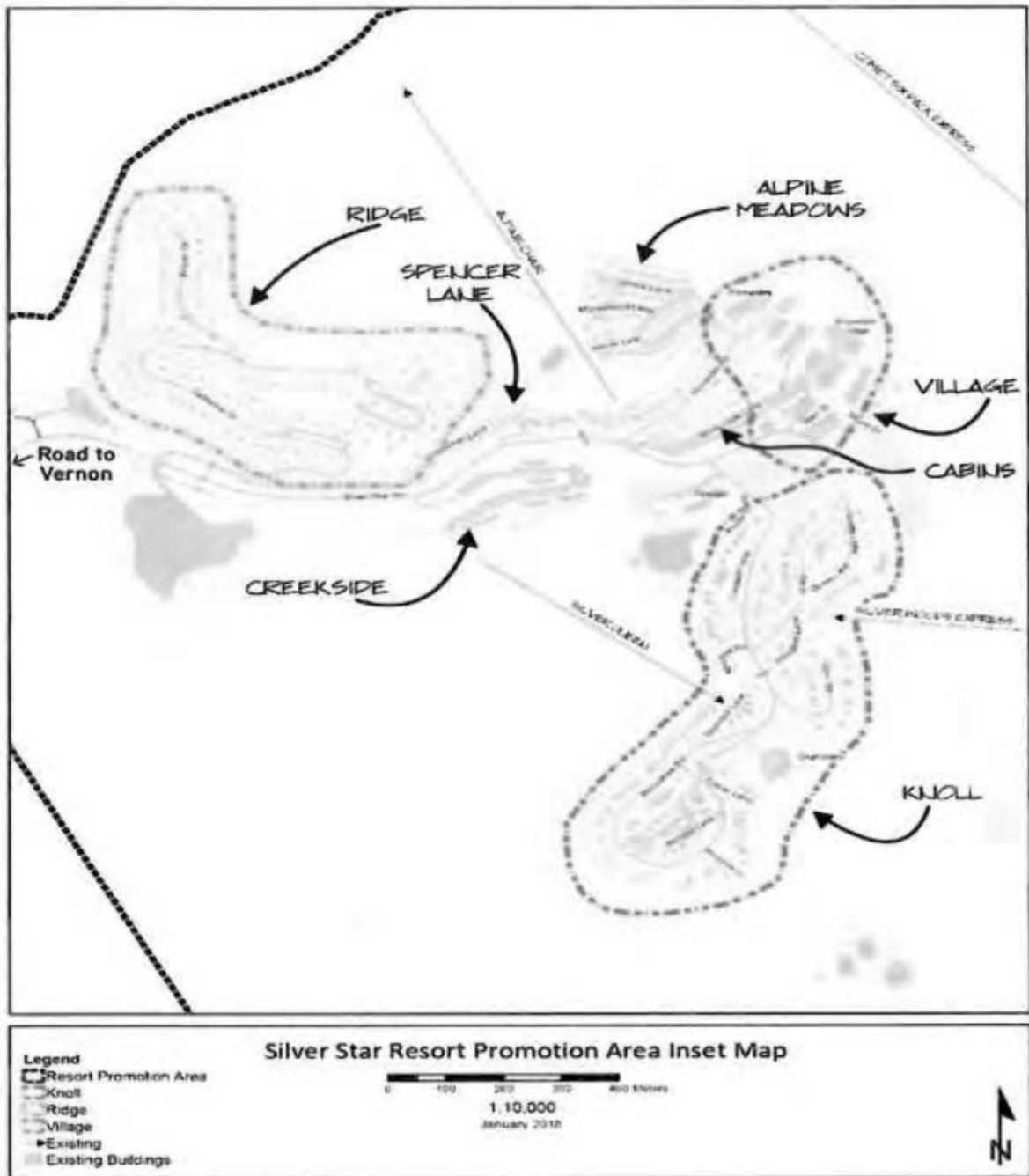
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**SCHEDULE A
RESORT PROMOTION AREA**





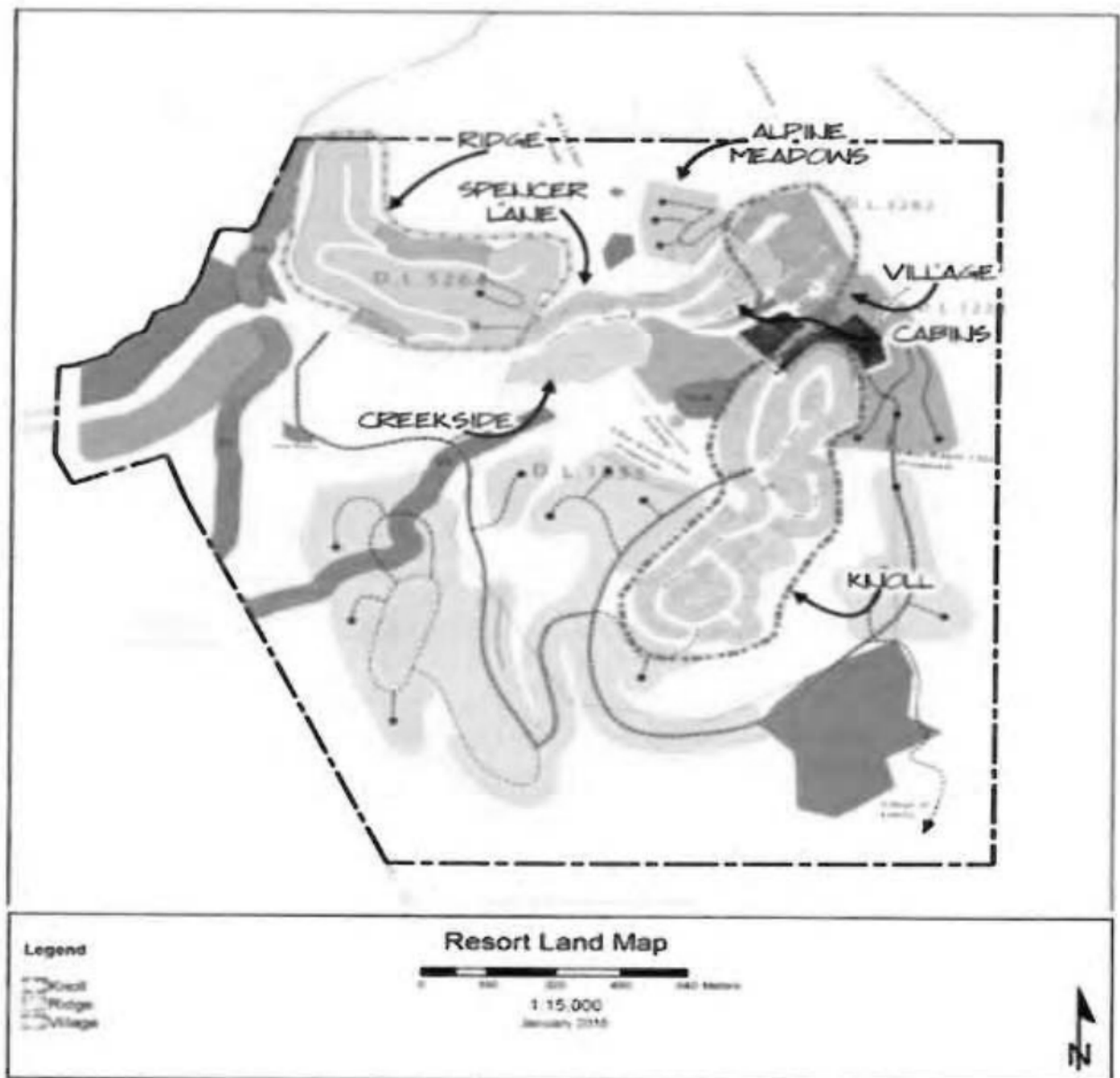
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(proposed area to levy and recover charges from properties being used for commercial benefit)

**SCHEDULE B
RESORT LAND**



Ministry of Municipal Affairs
and Housing

Governance and Structure Branch
Local Government Division

Mailing Address:
PO Box 9839 Stn Prov Govt
Victoria BC V8W 9T1
Phone: 250 387-4020
Fax: 250 387-7972

Location:
4th Floor, 800 Johnson Street
Victoria BC V8V 9T1
www.gov.bc.ca/mah



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