



To: General Purposes Committee

Date: July 30, 2002

From: Terry Crowe  
Manager, Policy Planning

File: 0140-20-FRHA1.

Re: INTERMUNICIPAL - FRASER RIVER PORT AUTHORITY (FRPA) ACCORD

**Staff Recommendation**

That, as per the report from the Manager, Policy Planning, dated July 30, 2002, Council endorse the proposed Intermunicipal - Fraser River Port Authority (FRPA) Accord.

Terry Crowe  
Manager, Policy Planning

Att. 1

FOR ORIGINATING DIVISION USE ONLY		
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
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## **Staff Report**

### **Origin**

In 2001, the Chief Administrative Officers (CAOs) of the Fraser River Port Authority (FRPA) and the municipalities of:

1. City of Coquitlam,
2. Corporation of Delta,
3. Corporation of Langley Township,
4. Corporation of the District of Maple Ridge,
5. City of New Westminster,
6. Corporation of the District of Pitt Meadows,
7. City of Port Coquitlam,
8. City of Richmond, and
9. City of Surrey,

agreed to improve their working relationship because they share many common port management opportunities, interests and concerns.

Initially, staff started discussing common port issues (e.g., port development and competitiveness), interests (e.g., servicing, land use planning, taxation) and how they might help one another. All agreed that the best way to proceed was to establish a framework for co-operation.

### **Findings Of Fact**

After several meetings, staff of the partners have prepared a draft Accord (see **Attachment 1**) for the FRPA and all nine municipalities to review and, if acceptable, endorse.

### **Analysis**

#### **Purpose**

The purpose of the proposed Accord is to establish a co-ordinated process, framework and principles by which the Parties can:

- share information
- undertake mutual education
- co-operate and collaborate for their mutual benefit,
- assist one another in cooperatively identifying common opportunities, issues and solutions
- provide non-legal ways to resolve disputes.

## Principles

The proposed Accord is based on the following principles:

- respect
- flexibility
- co-operation
- collaboration
- cost-effectiveness.

## Accord Highlights

### ***(1.) General***

To improve planning and managing common port interests, the Accord outlines a three-step process, namely:

- 1) First Step – Co-operative Framework (expected - September 1, 2002)  
The signing of this Accord, as a long-term co-operative framework.
- 2) Second Step – Common Concerns and Solutions (ongoing)  
The Parties agree to discuss a wide range of common issues, opportunities and solutions.
- 3) Third Step - Individual Municipal & FRPA Agreements (underway for Richmond - FRPA)

The Parties agree that they will consider preparing more detailed agreements (e.g., between each local government and the FRPA) to better address specific interests, issues and solutions.

### ***(2.) A Dispute Resolution Process***

Currently, any problems between the Richmond and the FRPA, and between other municipalities and the FRPA are resolved through normal discussions, or they can continue indefinitely.

To better assist in resolving disputes, an optional, non-legal, voluntary dispute resolution process is proposed. Any Party to the Accord may utilize the proposed dispute resolution process, for example if:

- it appears that a dispute will continue indefinitely, or
- if the advice of a third party is deemed to be useful.

A mediator would try to seek a solution amenable to both parties.

If that is not successful, the Mediator would submit a report with recommendations as soon as possible. The mediator's report would be referred directly to the Fraser Port Board and the relevant Council, along with appropriate staff commentary.

If the Mediator's recommendations are not accepted by both the Board and the Council, a Joint Board/Council meeting will be convened within three months to discuss the issue.

If the Joint Board/Council meeting does not resolve the issue, both parties are free to take whatever further action they deem necessary.

The proposed dispute resolution process is non-binding because:

- the authority of the Parties is respected,
- the theme of the Accord is co-operation,
- it is not desirable to jeopardizing any Parties' interests.

#### Termination/Withdrawal

A Party may terminate/withdraw from this Accord by giving to the other Parties:

- at least 12 months written notice, and
- the opportunity to discuss the matter with the other Parties.

#### *Implications*

##### Pros

- of the Accord
  - acknowledges the Parties' autonomy,
  - provides needed flexibility, co-operation and collaboration,
  - establishes a framework for improved co-operation with the FRPA and the other municipalities,
  - does not jeopardize Richmond's interests,
  - encourages proactive co-operation - not inaction, and
  - encourages information sharing.
- of the Dispute Resolution Process
  - is voluntary and non-binding, and
  - provides information and objectivity
- Financially
  - is cost effective as information is shared and efficient decision making is promoted,
  - no cost are incurred, except that if the dispute resolution process is used, minor costs would be cost-shared between with the Parties.

##### Cons

- Of the Accord
  - none
- of the Dispute Resolution Process
  - none
- Financially
  - no cost are incurred, except that if the dispute resolution process is used, minor costs would be cost-shared between with the Parties

#### *Consultation*

The draft accord was discussed on June 13, 2002 at the annual Joint FRPA-Council of Mayors Dinner. At that time, the FRPA requested all Councils to consider and endorse the draft Accord as soon as possible. The FRPA will do the same. All Parties are asked to adopt the same Accord.

At this time, all Parties are in the process of approving/endorsing the Accord.

**Effective Date**

The anticipated effective date for the endorsement of the Accord, by all Parties is September 1, 2002, or the earliest alternate date.

The Accord will be effective for Richmond once Council and the FRPA Board endorse it.

**Next steps**

If endorsed by all partners, staff will implement the Accord in co-operation with all Parties

Richmond City staff are already preparing a detailed City-FRPA Accord for completion in the fall, 2002.

**Financial Impact**

- None at this time.
- By sharing ideas and solutions it is expected that many dollars can be saved.
- If the arbitration process is activated, then the City would incur half of the costs which are deemed to be minor.

**Conclusion**

Senior staff of the FRPA and nine municipalities have drafted an inter-municipal Accord to improve relations among the FRPA affected municipalities.

All parties are being asked to consider and if acceptable , endorse the Accord at their earliest convenience.



Terry Crowe  
Manager, Policy Planning

TTC:cas

**Inter-Municipal - Fraser River Port Authority (FRPA) Accord**

**1. Effective Date**

This Accord shall be effective by September 1, 2002 (or earliest alternate date).

**2. Parties**

The Parties to this agreement may include:

1. City of Coquitlam,
2. Corporation of Delta,
3. Corporation of Langley Township,
4. Corporation of the District of Maple Ridge,
5. City of New Westminster,
6. Corporation of the District of Pitt Meadows,
7. City of Port Coquitlam,
8. City of Richmond,
9. City of Surrey, and
10. Fraser River Port Authority (FRPA)

**3. Context**

Whereas the Parties are separate authorities, have separate jurisdictions and interests, common customers and clients, and a desire to cooperate regarding various FRPA lands and activities within the areas of the local governments, the Parties voluntarily enter into this Accord.

**4. Purpose**

The purpose of this Accord is to establish a co-ordinated process, framework and principles by which the Parties can:

- share information
- undertake mutual education
- co-operate and collaborate for their mutual benefit,
- assist one another in cooperatively identifying common opportunities, issues and solutions
- provide non-legal ways to resolve disputes.

**5. Principles**

The Parties agree to recognize the following principles in implementing this Accord:

- respect
- flexibility
- co-operation
- collaboration
- cost-effectiveness.

**6. Process**

The Parties agree that effective co-operation among the Parties involves a three-step collaboration process, namely:

- (1) First Step – Co-operative Framework  
The signing of this Accord, as a long-term co-operative framework.
- (2) Second Step – Common Concerns and Solutions  
The Parties agree to discuss a wide range of common issues, opportunities and solutions.
- (3) Third Step - Individual Municipal & FRPA Agreements  
The Parties agree that they will consider preparing more detailed agreements (e.g., between each local government and the FRPA) to better address specific interests, issues and solutions.

**7. Monitoring**

The Parties will report annually at the annual Joint Fraser River Port Authority/Councils meeting.

**8. Dispute Resolution**

The Parties agree to follow the Dispute Resolution Process outlined in **Schedule 1**.

**9. Review Period**

This Accord shall be formally reviewed at least every five years

**10. Amendments**

This Accord may be amended, at any time, by the written agreement of all Parties.

**11. Termination/Withdrawal**

A Party may terminate/withdraw from this Accord, by giving to the other Parties:

- at least 12 months written notice, and
- the opportunity to discuss the matter with the other Parties.

**12. Approval**

The Parties hereby approve of the Accord:

- City of Coquitlam,
- Corporation of Delta,
- Corporation of Langley Township
- Corporation of the District of Maple Ridge,
- City of New Westminster
- Corporation of the District of Pitt Meadows
- City of Port Coquitlam,
- City of Richmond,
- City of Surrey, and
- Fraser River Port Authority (FRPA).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2002

Chair, Fraser River Port Authority	President & CEO, Fraser River Port Authority
Mayor, City of Coquitlam	Mun. Clerk, City of Coquitlam
Mayor of the Corp. of the District of Pitt Meadows	Mun. Clerk of the Corp. of the District of Pitt Meadows
Mayor, Corporation of Delta	Mun. Clerk, Corporation of Delta
Mayor, City of Port Coquitlam	Mun. Clerk, City of Port Coquitlam
Mayor, Corp. of Langley Township	Mun. Clerk, Corp. of Langley Township
<b>Mayor, City of Richmond</b>	<b>Mun. Clerk City of Richmond</b>
Mayor, Corp. of the District of Maple Ridge	Mun. Clerk, Corp. of the District of Maple Ridge
Mayor, City of Surrey	Mun. Clerk, City of Surrey
Mayor, City of New Westminister	Mun. Clerk, City of New Westminister



## Dispute Resolution Process

### Purpose

The purpose of the dispute resolution process is to provide a non-legal way to resolve disputes between the Parties.

It is anticipated that resolution of the issue could occur at any point in the process.

For the purposes of this dispute resolution process, the positions of President, City Manager and CAO will all be described as CAO.

The steps are:

- (1.) The CAO of either Party may initiate the dispute resolution process by outlining the issue, in writing, to the other CAO including the previous attempts to resolve it by staff.
- (2.) The corresponding CAO will respond in writing within one month, outlining a response to the issue.
- (3.) If that response is not considered acceptable by the initiating CAO, a meeting will be convened between the respective CAOs and relevant staff to discuss the issue within a further two weeks.
- (4.) If that meeting does not resolve the issue, the issue may be referred to the BC International Commercial Arbitration Centre by either party.
  - (i) The BC International Commercial Arbitration Centre would appoint a "Mediator" within one month.
  - (ii) Any costs which are incurred by the Mediator would be shared by both the Authority and the affected Municipality.
  - (iii) The Mediator would try to seek a solution amenable to both parties. If that is not successful, the Mediator would submit a report with recommendations as soon as possible and no longer than three months from the date of their appointment.
  - (iv) That report would be referred directly to the Fraser Port Board and the relevant Council, along with appropriate staff commentary.
- (5.) If the Mediator's recommendations are not accepted by both the Board and the Council, a Joint Board/Council meeting will be convened within three months to discuss the issue.
- (6.) If the Joint Board/Council meeting does not resolve the issue, both parties are free to take whatever further action they deem necessary.