

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **033**, Approved and Ordered **JAN 29 2009**



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders the following:

- (a) letters patent, in the form attached, be issued incorporating the Northern Rockies Regional Municipality;
- (b) effective February 6, 2009, the letters patent issued on October 22, 1987 reincorporating the Town of Fort Nelson are revoked;
- (c) effective February 6, 2009, the letters patent issued on October 22, 1987 incorporating the Northern Rockies Regional District are revoked.



Minister of Community Development



Presiding Member of the Executive Council

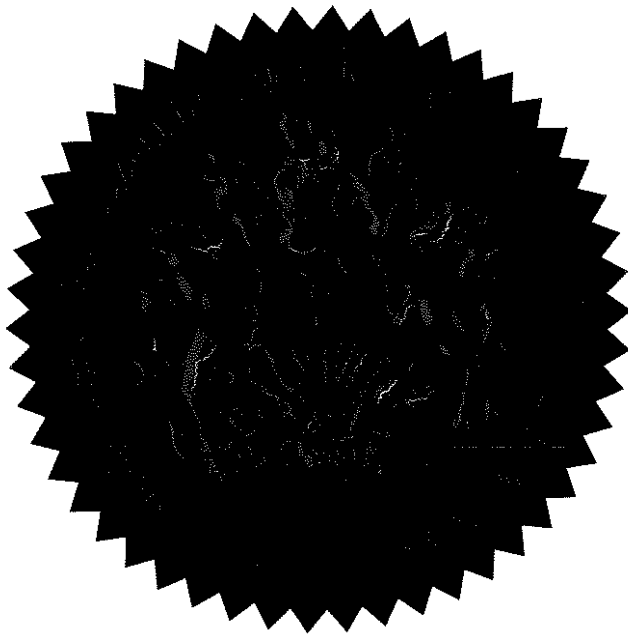
(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Local Government Act, R.S.B.C. 1996, c. 323, ss. 7, 12.1, 12.3, 12.4, 12.5, 13, 14, 14.2, 14.3 and 14.4;*
Municipalities Enabling and Validating Act (No. 3), S.B.C. 2001, c. 44, s. 26
Other (specify):- *OICs 2123/1987 and 2124/1987*

January 20, 2009

O/66/2009/12



Lieutenant Governor

CANADA

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come—GREETING.

Minister of Community Development

WHEREAS, the Minister of Community Development directed that a vote be taken of persons in the area of the Northern Rockies Regional District, excluding Indian Reserves, respecting the proposed incorporation of those persons into a new municipality;

AND WHEREAS when the vote was taken more than 50% of the votes counted as valid favoured the proposed incorporation;

AND WHEREAS the Minister of Community Development recommends to the Lieutenant Governor in Council that the residents of that area be incorporated into a new municipality;

NOW KNOW YE THAT by these presents, We do order and proclaim the following:

PART 1 — DEFINITIONS

Definitions

1 In these letters patent:

“**Act**” means the *Local Government Act*;

“**municipality**” means the municipality incorporated under section 2;

“**Regional District**” means the Northern Rockies Regional District;

“**Town**” means the Town of Fort Nelson.

PART 2 — INCORPORATION OF MUNICIPALITY

Incorporation

2 The residents of the area referred to in section 3 are incorporated into a municipality under the name “Northern Rockies Regional Municipality”.

Area and boundaries

3 The area of the municipality is that area within the boundaries of the municipality set out in Schedule A.

Class

4 The class of the municipality is a district municipality.

PART 3 — TAX RATE LIMITS AND ADVISORY BODY

Tax rate limits – utilities, industry and farm

5 (1) All of the municipality is designated for the purposes of this section.

(2) The limit established for a taxation year on the tax rate under section 197 (1) (a) of the *Community Charter* that may be established for the class 2, 4 and 5 property classes by an annual property tax bylaw and imposed on land and improvements in the municipality is equal to the product obtained by multiplying 3.3 and the tax rate established for the class 1 property class by the annual property tax bylaw for the taxation year.

(3) The limit established for a taxation year on the tax rate under section 197 (1) (a) of the *Community Charter* that may be established for the class 9 property class by an annual property tax bylaw and imposed on land and improvements in the municipality is the tax rate prescribed for that property class under the *Taxation (Rural Area) Act* for the taxation year.

Tax rate limits for area formerly Electoral Area A

- 6 (1) The area of the municipality designated for the purposes of this section is that area that was Electoral Area A of the Regional District immediately before the Regional District was dissolved.
- (2) The limit established for a taxation year on the tax rate under section 197 (1) (a) of the *Community Charter* that may be established for the class 1 and 6 property classes by an annual property tax bylaw and imposed on land and improvements in the area designated under subsection (1) of this section is, in respect of each property class for a taxation year, the limit established by the following formula:

$$\text{limit} = (0.65 \times 2009 \text{ tax rate}) + (\text{municipal rate} - 2009 \text{ tax rate})$$

where:

2009 tax rate = the tax rate established for the property class by the municipality's annual property tax bylaw for the 2009 taxation year;

municipal rate = the single rate or the total of the separate rates established for the property class under section 197 (3) of the *Community Charter* for the municipality for the applicable taxation year.

- (3) The tax rate limit established by this section applies for the 2009 to 2028 taxation years.

Tax rate limits for area formerly Electoral Area B

- 7 (1) The area of the municipality designated for the purposes of this section is that area that was Electoral Area B of the Regional District immediately before the Regional District was dissolved.
- (2) The limit established for a taxation year on the tax rate under section 197 (1) (a) of the *Community Charter* that may be established for the class 1 and 6 property classes by an annual property tax bylaw and imposed on land and improvements in the area designated under subsection (1) of this section is, in respect of each property class for a taxation year, the limit established by the following formula:

$$\text{limit} = (0.35 \times 2009 \text{ tax rate}) + (\text{municipal rate} - 2009 \text{ tax rate})$$

where:

2009 tax rate = the tax rate established for the property class by the municipality's annual property tax bylaw for the 2009 taxation year;

municipal rate = the single rate or the total of the separate rates established for the property class under section 197 (3) of the *Community Charter* for the municipality for the applicable taxation year.

- (3) The tax rate limit established by this section applies for the 2009 to 2028 taxation years.

Advisory body

- 8 (1) On or before December 31, 2009, the council of the municipality must establish an advisory body for the municipality.

- (2) The role of the advisory body is to advise council on matters related to economic development in the municipality, including, without limitation, the following:
 - (a) infrastructure planning;
 - (b) other matters related to economic development within the municipality as referred to the advisory body by the council;
 - (c) after September 1, 2013, the tax rate limits in section 5.
- (3) In each year, the council must consult with the advisory body before the council adopts the financial plan and annual property tax bylaw for that year.
- (4) The advisory body is to be composed of at least 6 members.
- (5) The council may appoint individuals as members of the advisory body.
- (6) The council may not dissolve the advisory body before December 31, 2014.

PART 4 — TRANSITIONAL PROVISIONS

Interim council

- 9 (1) Joseph William Streeper is appointed mayor of the municipality.
- (2) Todd Pearce Osborne, Kimberly Christine Eglinski, Ronald Lucien Vigeant, Douglas James Roper, Doug Edward McKee and John Marsom Sime are appointed councillors of the municipality.

First regular council meeting

- 10 (1) The first regular council meeting is to be held on February 6, 2009.
- (2) The corporate officer of the Regional District is authorized to set the time and place for that meeting.
- (3) The council must adopt a procedure bylaw at the first regular council meeting.

Financial plan

- 11 (1) The council must adopt a financial plan at the first regular council meeting.
- (2) The financial officer of the Regional District must prepare a proposed financial plan for the first regular council meeting.
- (3) Section 166 [*public process for development of financial plan*] of the *Community Charter* does not apply in respect of the proposed financial plan that the council must adopt at the first regular council meeting.

Transfer of assets and obligations and continuation of bylaws

- 12 (1) All of the rights, property and assets of the Town and the Regional District are transferred to and vested in the municipality.
- (2) All of the obligations of the Town and the Regional District are transferred to and assumed by the municipality.
- (3) All bylaws and resolutions of the Town and the Regional District are continued in force as bylaws and resolutions of the municipality applicable to the area of the municipality to which they applied as bylaws or resolutions of the Town or the Regional District, until those bylaws or resolutions are amended or repealed by the council of the municipality.

- (4) A reference to the Town or the Regional District in any commercial paper, lease, licence, permit or other contract, instrument or document is deemed to be a reference to the municipality.

First fiscal year

- 13 Despite section 164 of the *Community Charter*, the first fiscal year for the municipality begins on February 6, 2009 and ends on December 31, 2009.

Revenue anticipation borrowing

- 14 The municipality may borrow \$1 000 000 for the current expenditures of the municipality in 2009.

Assessment roll for 2009 taxation year

- 15 For the purpose of preparing, completing, returning, confirming and authenticating the assessment roll of land and improvements in the municipality for the 2009 taxation year, the land and improvements are deemed to have been included in the municipality for the period beginning on December 31, 2008 and ending on February 5, 2009.

Financial reporting for Town and Regional District

- 16 (1) For the 2008 and 2009 fiscal years of the Town and the Regional District, the municipality must perform
- (a) the duties under the *Financial Information Act* and sections 167 and 168 of the *Community Charter* that the Town would have had to perform if it had not been dissolved, and
 - (b) the duties under the *Financial Information Act* and sections 814 and 814.1 of the *Local Government Act* that the Regional District would have had to perform if it had not been dissolved.
- (2) For the purposes of subsection (1) (b) in relation to the 2009 fiscal year of the Regional District, the municipality may hold a meeting by June 30, 2009 for the purpose of presenting the statements and report referred to in section 814.1 of the Act.

Local area services

- 17 (1) The municipality must establish the following local area services:
- (a) a fire protection service;
 - (b) water services, consisting of 3 separate local area services;
 - (c) electrical distribution services, consisting of 2 separate local area services;
 - (d) a capital financing service.
- (2) For the fire protection service, the boundary of the local service area is the boundary of the fire protection service area established by the Regional District bylaw cited as "The Northern Rockies Regional District Rural Fire Protection Service Area Boundary Expansion and Conversion Bylaw No. 138, 2001".
- (3) For the water services,
- (a) in respect of the first local area service, the boundary of the local service area is the boundary of the service area established by the Regional District bylaw cited as "The Fort Nelson-Liard Regional District North-West Water Service Establishment Bylaw No. 58, 1994",

- (b) in respect of the second local area service, the boundary of the local service area is the boundary of the service area established by the Regional District bylaw cited as "The Pristine Valley Watermain Extension 2 (Water Capital Financing) Service Establishment Bylaw No. 142, 2002", and
 - (c) in respect of the third local area service, the boundary of the local service area is the boundary of the service area established by the Regional District bylaw cited as "Northern Rockies Regional District Rural Water South Establishment Bylaw No. 173, 2005".
- (4) For the electrical distribution services,
- (a) in respect of the first local area service, the boundary of the local service area is the boundary of the service area established by the Regional District bylaw cited as "Northern Rockies Regional District Toad River Area (1) Electrical Distribution Service Establishment Bylaw No. 198, 2008", and
 - (b) in respect of the second local area service, the boundary of the local service area is the boundary of the service area established by the Regional District bylaw cited as "Northern Rockies Regional District Toad River Area (2) Electrical Distribution Service Establishment Bylaw No. 200, 2008".
- (5) For the capital financing service, the boundary of the local service area is the boundary of the Town immediately before the Town was dissolved.
- (6) The date specified for the purposes of section 14.2 (6) [adoption of bylaw establishing local area service] of the Act is April 30, 2009.

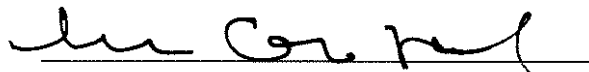
Commencement

- 18 (1) Subject to subsection (2), these letters patent come into force on February 6, 2009.
- (2) Sections 10 (2) and 11 (2) come into force on the date these letters patent are issued.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable Steven J. Point, OBC, Lieutenant Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this ^{29th} day of *January*, in the year of Our Lord two thousand and nine and in the fifty-^{seventh}~~sixth~~ year of Our Reign.

By Command.



Attorney General

SCHEDULE A

The boundaries of the municipality are as follows:

Commencing at the intersection of the 60th parallel of north latitude and the 120th meridian of west longitude, being the northeast corner of the Province of British Columbia;

thence southerly along the easterly boundary of said Province to the point of intersection with the 58th parallel of north latitude;

thence westerly along the said 58th parallel of north latitude to the line of the summit of the Rocky Mountains;

thence in a general northwesterly direction along said line of the summit of the Rocky Mountains to the southerly boundary of the watershed of Rabbit River;

thence westerly and northerly along the southerly and westerly boundaries of the watershed of Rabbit River to the southerly boundary of the watershed of Hare Lake;

thence northerly along the easterly boundary of the watershed of Hare Lake and continuing northerly along the easterly boundary of the watershed of the unnamed creek draining Hare Lake to the confluence of said unnamed creek, at the right bank thereof, with Kechika River;

thence northerly across Kechika River to the left bank thereof;

thence in a general northwesterly direction along the height of land to the easterly boundary of the watershed of Tatisno Creek;

thence northerly along said boundary to the southerly boundary of the watershed of Nustlo Creek;

thence northeasterly along said boundary to a point thereon which lies due south of Monument 400, British Columbia-Yukon boundary;

thence north to said Monument, being a point on the 60th parallel of north latitude and the northerly boundary of the Province;

thence easterly along the said northerly boundary of the Province to the aforesaid northeast corner of the Province, being the point of commencement, save and except all Indian Reserves.

The municipality containing by admeasurement 85 794.6 square kilometres of land, more or less.