

CITY OF SURREY

BY-LAW NO. 15090

A by-law to establish a Special Committee of Council to resolve the City of Surrey and Greater Vancouver Sewerage & Drainage District financial issues in respect of delays in siting the Surrey Transfer Station

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- (a) WHEREAS the Greater Vancouver Sewerage & Drainage District (the "Corporation") by resolutions of the Administration Board of the Corporation (the "Board"), adopted under the provisions of the *Greater Vancouver Sewerage and Drainage District Act*, S.B.C. 1956, c. 59, as amended and the provisions of Part 3 of the *Waste Management Act*, S.B.C. 1982, c. 41, as amended, the 1985 Greater Vancouver Regional Solid Waste Management Plan dated October 1985 and the 1995 Greater Vancouver Regional Solid Waste Management Plan dated July 1995, approved by the Minister of Environment, Lands and Parks, provided for the handling of municipal solid waste that is for the benefit of the total area of the Greater Vancouver Regional District (the "1995 Plan").
- (b) AND WHEREAS Section 6.1.6 of the 1995 Plan identified as an initiative, that the Corporation, in cooperation and in close coordination with the City of Surrey (the "City"), establish a solid waste transfer station (the "Surrey Transfer Station") for residual wastes from Surrey which then went to the Port Mann Landfill. Despite several years of effort to establish a solid waste transfer station in the City, the Port Mann Landfill was closed in November 1997 prior to the establishment of the Surrey Transfer Station. The establishment of the Surrey Transfer Station is now well underway and the Surrey Transfer Station is expected to be operational in early 2004.
- (c) AND WHEREAS the Corporation and the City entered into a non binding mediation process (the "Mediation Process") to attempt to resolve the issue of the apportionment of costs and expenses resulting from the delay in establishing the Surrey Transfer Station. The Corporation and the City were unable to reach an agreement through the Mediation Process.
- (d) AND WHEREAS Council for the City (the "Council") is authorized under Section 176(1)(e) of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, to delegate by by law to a committee of Council the authority to exercise any of its powers, duties and functions, including those specifically established by an enactment.
- (e) AND WHEREAS the Council wishes to establish a committee (the "Special Committee") which shall have the responsibilities and powers set out below.

AND NOW, THEREFORE, the City Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. A Special Committee shall be and is hereby established and shall be comprised of two (2) members of Council.

2. The mandate and responsibilities of the Special Committee shall be:
 - (a) to receive and consider the submissions of the respective staffs of the Corporation and the City and other professional consultants appointed by the respective staffs and the findings of the mediator arising from the Mediation Process;
 - (b) to meet with, from time to time, such Board members as may be appointed by the Board and to negotiate, compromise, settle and agree on behalf of the Council a mutually agreeable financial settlement between the City and the Corporation in respect of any and all claims, liabilities, damages, costs, losses and expenses whatsoever (collectively the "Claims") of the City resulting from delays in establishing the Surrey Transfer Station and for that purpose to do all such things as may be necessary and cause to be executed and delivered such agreements, instruments, documents and releases as may be necessary or desirable, with or without the corporate seal or countersignature of any person; and
 - (c) to report back and deliver to the Council, no later than October, 2003 (or such other date that the Council may determine), either:
 - (i) a binding agreement, instrument, document and release, duly executed by the Corporation and the City, effecting financial settlement and/or release mutually agreed with the City in respect of the Claims, or
 - (ii) if a binding agreement, instrument, document and release have not been executed by the Corporation and the City, a written report recommending further steps to be taken by the City.
3. The Special Committee is hereby delegated the authority to carry out its mandate, as set out above, and to authorize the payment of such sum of money as the Special Committee determines is appropriate to effect settlement of the Claims.
4. The Special Committee shall not sub delegate any of the powers granted to it under this by law and, in particular, shall not submit any matters within its mandate, as set out above, to binding arbitration.
5. This by law may be cited for all purposes as "Surrey Special Committee on the Surrey Transfer Station Mediation By law, 2003, No. 15090".

PASSED THREE READINGS by the Council of the City of Surrey on the 7th day of July, 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 24th day of July, 2003.

_____ MAYOR

_____ CLERK

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