



REPORT

To: Chair and Directors

Report Number: ADM-BRD-580

From: Corporate Administration

Date: February 20, 2025

Subject: Site C Regional Legacy Benefits Agreement Policy & Funding Allocation – Deferred Resolution from January 23, 2025

The following motion was deferred at the January 23, 2025, Regional Board Meeting “until a legal opinion could be obtained as to whether the Site C Regional Legacy Benefits Agreement signed in 2013 could be revisited”. The information obtained from legal counsel in response to a similar resolution from the Regional Board at its November 16, 2023 meeting was included in the January 23, 2025 report and is re-stated below for the Board’s information. As the deferral was subject to receipt of legal advice which has been provided, the deferred motion is back on the table for the Board to consider (vote on).

RECOMMENDATION ON THE FLOOR: [Corporate Unweighted]

MOVED Director Sperling

SECONDED Director Zabinsky

That the Regional Board approve allocation of the Regional Services Impact portion of the Site C Regional Legacy Benefits that is to be allocated proportionally to all region-wide service functions, based on actual operating expenditures incurred two years previous, excluding transfer to reserves, as the Site C Regional Legacy Benefits Agreement does not state what base is to be used to proportionally allocate the funds.

BACKGROUND/RATIONALE:

Staff first presented the proposed policy relating to the Site C Regional Legacy Benefits to the Regional Board on October 5, 2023. No decisions were made at that meeting, as the report was referred to the Electoral Area Directors Committee for discussion:

MOVED, SECONDED and CARRIED,

That the Regional Board refer the report titled “Site C Regional Legacy Benefits Policy, FN-BRD-230” to the next Electoral Area Directors Committee Meeting for discussion.

On October 19, 2023, the Electoral Area Directors Committee discussed the report and resolved to recommend that the Board approve a review of the agreement to determine if there was any possibility to revisit the terms of the agreement; specifically, to amend the formula included in the agreement specifying how the funding would be shared amongst the signatories.

On November 16, 2023 the Regional Board endorsed the following resolution from the Electoral Area Directors Committee:

MOVED, SECONDED and CARRIED,

That the Regional Board request that the Site C Regional Legacy Benefits Agreement be reviewed to explore the possibility of requesting an amendment to the agreement formula.

As previously noted in the report included on the January 23, 2025 Regional Board Meeting agenda, based on the Board direction from November 16, 2023, staff reviewed Site C Regional Legacy Benefits Agreement. The agreement does not include any provision for amendments. Staff then reached out to legal counsel and was advised that **all** parties to the Agreement, including BC Hydro, would have to agree to revisit the agreement to potentially amend the funding formula.

If desired, the Regional Board could pass a resolution to reach out to all parties to the agreement to determine their interest in revisiting the agreement to potentially amend the funding formula.

ALTERNATIVE OPTIONS:

1. That the Regional Board defer consideration of Resolution RD/25/01/20(23), which states: “That the Regional Board approve allocation of the Regional Services Impact portion of the Site C Regional Legacy Benefits that is to be allocated proportionally to all region-wide service functions based on actual operating expenditures incurred 2 years previous, excluding transfer to reserves, as the Site C Regional Legacy Benefits Agreement does not state what base is to be used to proportionally allocate the funds” to the July 17, 2025 Regional Board Meeting; further that all signatories to the BC Hydro Legacy Agreement be contacted to determine their willingness to open the agreement and amend the funding formula and requesting a response no later than July 2, 2025.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- Not Applicable to Strategic Plan

FINANCIAL CONSIDERATION(S):

The Regional District has received [notice from BC Hydro](#) of the \$426,229.51 in funding to be provided for the first year of operations (pro-rated based on 65 days of power generation in 2024) in December 17, 2024. The notice indicated that the funds would be forwarded to the Regional District by April 15, 2025. The funding will need to be disbursed to the signatories before year end.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

None at this time.

External Links:

1. [Site C Regional Legacy Benefits Update, FN-BRD-313](#) – See Item 8.5 on the Regional Board Agenda dated January 23, 2025

2. [October 19, 2023 Electoral Area Directors Comm Recommendations, ADM-BRD-446](#) – See Item 9.4 on the Regional Board Agenda dated November 16, 2023
3. [Site C Regional Legacy Benefits Policy, FN-BRD-230](#) – See Item 8.17 on the Regional Board Agenda dated October 5, 2023