

Report

Date

July 5, 2022

File: 4200-20

Subject

Commencement of Alternative Approval Process for the Crofton Fire Hall

PURPOSE

For Council to give direction to the Corporate Officer to commence the Alternative Approval Process (AAP) on the long-term borrowing for the upgrades to the Crofton Hall.

BACKGROUND

On April 5, 2022, Council gave three readings to the "Crofton Fire Hall Loan Authorization Bylaw No. 3863, 2022" (Attachment 1) and directed staff to forward the bylaw to the Ministry of Municipal Affairs and Housing, Governance and Structure Branch (the Ministry) for provincial staff review and approval by the Inspector of Municipalities. All documentation listed in the April 5, 2022 staff report (Attachment 2) was forwarded to the provincial government along with a copy of the Liability Servicing Limit Certificate prepared by the Financial Officer (Attachment 3).

Following completion of the provincial staff's review of the documentation for legislative compliance and financial viability, the Inspector of Municipalities gave his final approval on June 13, 2022, and issued a statutory approval certificate (Attachment 4), which was received by email on June 15, 2022.

Figure 1, to the right, illustrates where Council is currently in the process of adopting the Crofton Fire Hall Loan Authorization Bylaw.

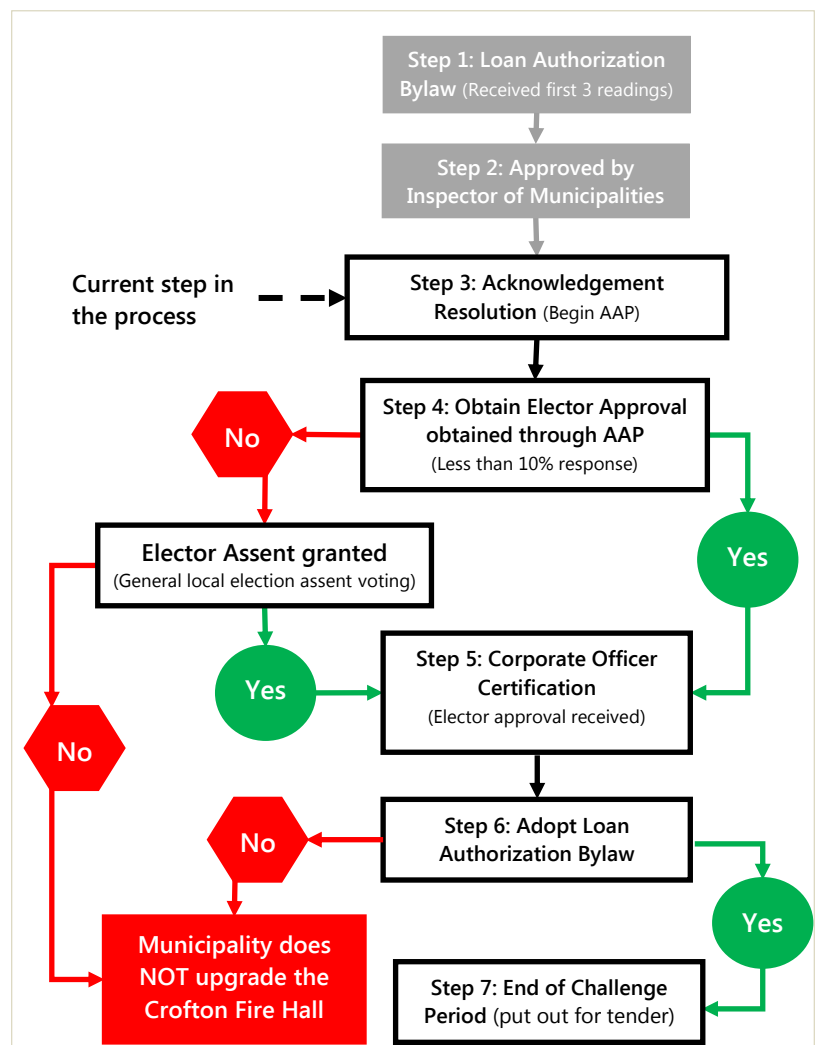


Figure 1. AAP for Loan Authorization Bylaw Process Steps

DISCUSSION

As required under section 86(3) of the *Community Charter*, Council must (1) establish the deadline for receiving Elector Response Forms, (2) approve the Elector Response Form, and (3) make a fair determination as to the total number of electors to which the AAP applies.

Establish the deadline for receiving Elector Response Forms:

The deadline for receiving Elector Response Forms must be established by Council and must be at least 30 days after the second publication of the notice (see Attachment 7 for a copy of the draft notice to be published in the July 14th and 21st editions of the Cowichan Valley Citizen and the Chemainus Valley Courier). Sections 25 to 25.5 of the *Interpretation Act* stipulate how the deadline for the AAP is to be determined. Therefore, following the second publication of the notice on July 21, 2022, **the earliest deadline that could be established is August 22, 2022.**

As Legislative Services resource time will be primarily focused on the 2022 general local election starting in June, staff is recommending that Council not increase the notice period and set it for 30 days following the publication of the second notice in the newspaper to provide the Corporate Officer with sufficient time to verify the results prior to the September 7, 2022 regular Council meeting.

Elector Response Form

In accordance with section 86(3)(b) of the *Community Charter*, Council must establish elector response forms which may be designed to allow for only a single elector response on each form or for multiple elector responses. Staff recommends using the single elector response option, which is consistent with past practice and easier for staff to separate rejected submissions from those that have been verified.

The elector response form (Attachment 6) must contain sufficient information to ensure that the person signing is an eligible elector entitled to participate in the AAP; a clear description about the nature of the proposal so that electors understand enough about the matter to make an informed response; and clearly state that if at least 10% of the eligible electors within the area defined in the AAP submit responses, that Council *may not proceed* with the matter *unless* elector approval is obtained by assent voting (i.e. referendum).

Determine the number of eligible electors

As the area defined for this AAP includes the entire municipality, every eligible resident elector and non-resident property elector can sign their name to an elector response form (see Attachments 6 and 7 for details on elector eligibility).

The estimated total number of eligible electors for this AAP is 28,684, therefore if more than 10% (2,868) respond, Council must proceed to assent voting and include a question on the ballot asking electors if they consent to the adoption of Crofton Fire Hall Loan Authorization Bylaw No. 3863, 2022 (see Attachment 5 which explains how these numbers were determined). The 2021 Census and property tax notice data were the primary sources of information used by staff to estimate the number of eligible electors.

Statutory Notice of the AAP

The statutory notice for the AAP must be published in accordance with section 94 of the *Community Charter* and must include (Attachment 7):

- a general description of the proposed bylaw, agreement or other matter;
- the area to which the approval applies;
- the deadline for elector response forms to be received;
- a statement that Council may proceed with the matter unless 10% of the electors in the area indicate the Council must obtain assent of the electors before proceeding;

- a statement that elector responses must be in the form established by Council, they are available at the municipal hall, and only electors of the area to which approval applies are entitled to sign the forms; and,
- the number of response forms required to meet the 10% threshold.

Table 1: Timelines based upon Response Period beginning on July 22, 2022

Description		April	May	June	July	Aug	Sep
Regular Council meeting: to give bylaw first 3 readings	Apr 5						
Update website and ConnectNorthCowichan	Apr 11 (ongoing)						
Approval by Inspector of Municipalities	Jun 13						
Regular Council meeting: Authorization to proceed with AAP	Jul 5						
AAP Notice Period	Jul 22-Aug 22						
Publish 1 st notice in newspaper and post to notice board & website	Jul 14						
Publish 2 nd notice in newspaper and post to notice board & website	Jul 21						
Issue news (and social media) releases at each milestone	Jul 6 (ongoing)						
Deadline for response to AAP (at least 30 days after 2 nd notice)	Aug 22						
Regular Council meeting: to consider adoption of bylaw	Sep 7						

Note: Cells shaded in **red** indicate Council meeting dates, **orange** for ministry approval, **blue** for AAP period, **green** for statutory notices, and **purple** for public communication/engagement.

Determining the Result of the AAP

The Corporate Officer must determine, on the basis of the elector response forms received by the deadline, whether the form was signed by an eligible elector and ensure that the elector signed only one form during the AAP and must certify whether elector approval was received.

IMPLICATIONS

If more than 2,868 (10%) of the electors submit a response form before the deadline, the matter must proceed to assent voting no later than 80 days after the deadline. Since the final ballot information for the general local election (October 15, 2022) will not be sent to the printers until September 19, 2022, a question asking electors if they are in favour of North Cowichan adopting Crofton Fire Hall Loan Authorization Bylaw No. 3863, 2022 to upgrade the Crofton Fire Hall by demolishing the original 1964 building (7,200 sf) and replacing it with a smaller 3,636 gross square feet addition on the same footprint can be added to the ballot.

RECOMMENDATION

THAT Council:

- (1) Direct the Corporate Officer to undertake an alternative approval process to determine the opinion of the electors with regard to the "Crofton Fire Hall Loan Authorization Bylaw No. 3863, 2022" which proposes to upgrade the Crofton Fire Hall by demolishing the original 1964 building (7,200 sf) and replacing it with a smaller 3,636 gross square feet addition on the same footprint, and a debenture not to exceed \$4,800,000 be obtained to finance the facility replacement; and that the 30-day notice period, commencing on July 22, 2022, and ending on August 22, 2022, for submitting and receiving

elector response forms, is established;

- (2) Has determined that the total number of eligible electors for the alternative approval process for the Crofton Fire Hall Loan Authorization Bylaw No. 3863, 2022 to be 28,684 and that approval of the electors is obtained if elector responses received is less than 10% (2,868) of the total number of electors; and,
- (3) Establish that the Elector Response Form be designed to allow for only a single elector response on each form and be available at the Municipal Hall and online from July 22, 2022, to August 22, 2022, as attached to the Manager of Legislative Services report dated July 5, 2022.

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Report reviewed by:



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Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Loan Authorization Bylaw No. 3863
- (2) 2022-04-05 Staff Report
- (3) Liability Servicing Limit Certificate
- (4) Inspector of Municipalities Statutory Approval Certificate
- (5) Report for Determining Number of Eligible Electors
- (6) Elector Response Form (Crofton Fire Hall)
- (7) Statutory Notice - AAP (Crofton Fire Hall)