



STAFF REPORT TO THE BOARD

DATE OF REPORT July 18, 2024
MEETING TYPE & DATE Regular Session Board of July 24, 2024
FROM: Legislative Services Division
Corporate Services Department
SUBJECT: Shawnigan Village Water System Service Establishment and
Loan Authorization – Alternative Approval Process (AAP)
CVRD Bylaw Nos. 4566 and 4567
FILE: 4200-20 (2024)

PURPOSE/INTRODUCTION

The purpose of this report is to set a deadline date for responses to an Alternative Approval Process (AAP) for the adoption of CVRD Bylaw No.'s 4566 and 4567, that authorizes the borrowing of up to \$3.2M to purchase the Shawnigan Waterworks System and establish the Shawnigan Village Water System Service Area.

RECOMMENDED RESOLUTION (45-DAY)

1. That elector approval for adoption of "CVRD Bylaw No. 4566 – Shawnigan Village Water System Service Establishment Bylaw, 2024" and "CVRD Bylaw No. 4567 – Shawnigan Village Water System Service Loan Authorization (\$3,200,000) Bylaw, 2024", be obtained through an Alternative Approval Process (AAP).
2. That the deadline for receiving elector responses to the AAP be set at 45-days, in exception to the CVRD Alternative Approval Process Policy of 60-days.
3. That the deadline for receiving elector responses to the AAP for "CVRD Bylaw No. 4566 – Shawnigan Village Water System Service Establishment Bylaw, 2024" and "CVRD Bylaw No. 4567 – Shawnigan Village Water System Service Loan Authorization (\$3,200,000) Bylaw, 2024", be set at 4:30 p.m. Monday, September 23, 2024.
4. That the elector response form be established as presented in Attachment A to the staff report to the July 24, 2024 Board meeting.
5. That the total number of electors of the area to which the AAP applies (Shawnigan Village Water System Service Area) be determined to be 1,218 (10% threshold = 122).
6. That an ad be placed in the Shawnigan Focus Newsletter, August and September 2024, at an additional cost of \$316.00/month, regarding the Shawnigan Village Water System.

BACKGROUND

On February 28, 2024, the Board resolved the following:

1. That a new water system service area be established within a portion of Electoral Area B–Shawnigan Lake.
2. That Long Term borrowing in the amount of \$3.2M to purchase the Shawnigan Village Waterworks System to create a new service be approved.
3. That elector approval for adoption of the Service Establishment Bylaw and Loan Authorization Bylaw be obtained through an Alternative Approval Process, (AAP).

At the meeting of April 24, 2024, the Board granted three readings to "CVRD Bylaw No. 4566 – Shawnigan Village Water System Service Establishment Bylaw, 2024", and "CVRD Bylaw No. 4567 – Shawnigan Village Water System Service Loan Authorization (\$3,200,000) Bylaw, 2024", and the bylaws were forwarded to the Inspector of Municipalities for approval.

The Inspector has approved the bylaws and the Board may proceed with obtaining elector approval through the alternative approval process for adoption of Bylaw Nos. 4566 and 4567.

ANALYSIS

Pursuant to the *Local Government Act* and the *Community Charter*, the Board must set a deadline date for receiving elector responses to an AAP. In accordance with the Board’s *Alternative Approval Process Policy*, (Attachment B) the deadline will be a minimum of 60 days following the second publication of the statutory notice. However, the staff recommendation is for a 45 day for elector response, following the second publication notice, due to the purchase agreement deadline of November 29, 2024, with Shawnigan Village Waterworks. This coincides with the Agreement to Purchase closing date and eliminates the need for an extension to the Agreement and any further financial compensation.

Statutory notices are scheduled to appear in the Cowichan Valley Citizen on Thursday, August 1, 2024, and Tuesday, August 6 2024. Following the second publication date the 45-day/60-day response period begins. Note, the Cowichan Citizen will change their publication dates during this time from Thursday to Tuesday.

Under the *Interpretation Act* rules for counting time, the day the second notice is published and the deadline date itself do not count as part of the 45-day/60-day calculation. Therefore, for a 45-day calculation, **Monday, September 23, 2024, 4:30 p.m.** would be the deadline date for submission, (48 Days), and weekends and statutory holiday are included in the calculation total. For 60-day calculation, **Monday, October 7, 2024, 4:30 p.m.** would be the deadline date for submissions, (62 Days) and weekends and Statutory Holidays are included in the calculation total.

	30-day Minimum requirement LGA	45-day Staff recommendation	60-day CVRD Policy
Statutory Notice in newspaper:	August 1, 2024 August 6, 2024	August 1, 2024 August 6, 2024	August 1, 2024 August 6, 2024
Elector response dates	August 7, 2024 – September 5, 2024	August 7, 2024 – September 20, 2024	August 7, 2024 – October 5, 2024
Deadline (4:30 p.m.)	Friday, September 6, 2024 (31 days)	Monday, September 23, 2024 (48 days)	Monday, October 7, 2024 (62 days)

Staff have calculated the total number of electors of the area to which the approval process applies (the Shawnigan Village Water System Service Area) at 1,218. This number was calculated by using the number of registered resident electors on the Provincial voters list (received from Elections BC in June, 2022) within the service area in Shawnigan Lake, (1,069) and adding the number of registered non-resident property electors within the service area (1), excluding those property owners who also reside within the Service Area (0) for a total of 1,070. In addition, there were a number of addresses (74) that were identified as being within the service area but absent from the voters lists. Staff assumed an average of 2 eligible electors per address (148) and added this number to the total registered (1,070), resulting in a total of 1,218 eligible electors. This figure must be adopted by the Board. Approval of the electors by alternative approval process is obtained if the number of elector responses received by the established deadline is less than 10% of this total (122).

FINANCIAL CONSIDERATIONS

The costs for the AAP advertising are estimated at \$7,930.70/\$9,650.70. respectively (below). This includes the two statutory advertisements in the Cowichan Citizen (Attachment C), and as noted in the CVRD *Alternative Approval Process Policy* a weekly supplemental newspaper advertisement (in the Cowichan Citizen) for six/eight weeks.

Staff have also recommended additional advertising in the local Shawnigan Focus newsletter which is published monthly, for a cost of \$315.31/month; as this is an additional local newsletter that is distributed directly to homeowners.

Statutory Ad	Publication Date	Cost (45-day)	Cost (60-day)
Cowichan Citizen	1-Aug-24	\$1,070.04	\$1,070.04
	6-Aug-24	\$1,070.04	\$1,070.04
		\$2,140.08	\$2,140.08
CVRD Policy			
Cowichan Citizen	13-Aug-24	\$860.00	\$860.00
	20-Aug-24	\$860.00	\$860.00
	27-Aug-24	\$860.00	\$860.00
	3-Sep-24	\$860.00	\$860.00
	10-Sep-24	\$860.00	\$860.00
	17-Sep-24	\$860.00	\$860.00
	24-Sep-24		\$860.00
	1-Oct-24		\$860.00
		\$5,160*	\$6,880*
Shawnigan Focus (Additional)	August, 2024	\$315.31	\$315.31
	September, 2024	\$315.31	\$315.31
		\$630.62	\$630.62
	Total:	\$7,930.70	\$9,650.07

*estimate \$

Two information mailouts to customers are estimated at \$599. each totaling \$1,198.

Shawnigan Lake Community Centre rental for February 8, 2024 information meeting \$278.

Staff time is not recoverable.

The total estimated costs for the APP are \$9,406.70/\$11,126.70 including the Shawnigan Focus. All costs, including advertising, will be recovered from the Shawnigan Village Water System Service.

If the threshold over 122 sufficient petitions come in, the Board could then choose to go to referendum; the costs of which would be the subject of a future report.

COMMUNICATIONS CONSIDERATIONS

February 7, 2024 - News Release Re: CVRD proposes to purchase Shawnigan Village Waterworks utility system

February 8, 2024 - Information letter sent to customers of Shawnigan Village Waterworks system

March 11, 2024 - Information Session held at Shawnigan Lake Community Centre (est. 50 residents in attendance). Meeting was positive and attendees asked good questions that were answered by both the current owner and CVRD staff.

Public consultation to inform customers for the proposed service establishment and long-term borrowing will include:

Statutory advertising in the Cowichan Citizen, and additional advertising in the Shawnigan Focus.

First week in August, 2024 – An information letter will be sent to each customer advising them of the dates for the AAP, how to obtain an elector response form, and the approval process.

PlanYourCowichan.ca - All information about the project, purchase and establishment of the service available at <https://www.planyourcowichan.ca/shawnigan-village-water>.

CVRD website (<https://www.cvrld.ca/772/Voter-Approval>) will be updated with the AAP information for Shawnigan Village Water system.

Social media postings on CVRD platforms (ongoing through the petition process).

OPTION TWO (60-DAY ELECTOR RESPONSE)

1. That elector approval for adoption of "CVRD Bylaw No. 4566 – Shawnigan Village Water System Service Establishment Bylaw, 2024" and "CVRD Bylaw No. 4567 – Shawnigan Village Water System Service Loan Authorization (\$3,200,000) Bylaw, 2024", be obtained through an Alternative Approval Process (AAP).
2. That the deadline for receiving elector responses to the AAP for "CVRD Bylaw No. 4566 – Shawnigan Village Water System Service Establishment Bylaw, 2024" and "CVRD Bylaw No. 4567 – Shawnigan Village Water System Service Loan Authorization (\$3,200,000) Bylaw, 2024", be set at 4:30 p.m. Monday, October 7, 2024.
3. That the elector response form presented as Attachment A in the staff report "Shawnigan Village Water System Service Establishment and Loan Authorization – Alternative Approval Process (AAP)" to the July 24, 2024 Board meeting be established with an elector response deadline of Monday, October 7, 2024.
4. That the total number of electors of the area to which the AAP applies (Shawnigan Village Water System Service Area) be determined to be 1,218 (10% threshold = 122).
5. That an ad be placed in the Shawnigan Focus Newsletter, August and September, 2024, at an additional cost of \$316.00/month, regarding the Shawnigan Village Water System.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

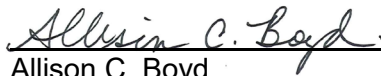
The Corporate Strategic Plan includes an objective to demonstrate strong fiscal leadership. The recommended resolution provides a reliable essential service.

Referred to (upon completion):

- Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

Prepared by:

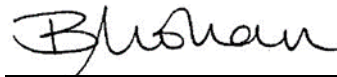
Reviewed by:



Allison C. Boyd,
Deputy Corporate Officer



Patrick Robins,
Corporate Officer



Barbra Mohan, MBA
General Manager

Reviewed for form and content and approved for submission to the Board:

Resolution:

Financial Considerations:

Corporate Officer

Chief Financial Officer

Chief Administrative Officer's Comments / Concurrence



Danielle Myles Wilson
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Elector Response Form

Attachment B – CVRD Alternative Approval Policy

Attachment C – Notice of Alternative Approval Process