



STAFF REPORT TO THE BOARD

DATE OF REPORT November 16, 2020

MEETING TYPE & DATE Board Meeting of November 25, 2020

FROM: Legislative Services Division
Corporate Services Department

SUBJECT: Saltair Water System Service Loan Authorization – Alternative Approval Process (AAP)

FILE: CVRD Bylaw No. 4328

PURPOSE/INTRODUCTION

To determine the method of obtaining elector approval and set a deadline date for responses to an Alternative Approval Process (AAP) for the adoption of CVRD Bylaw No. 4328, that authorizes the borrowing of up to \$3.7M to carry out water treatment upgrades to the Saltair Water System works, to current municipal standards.

RECOMMENDED RESOLUTIONS

1. That elector approval for "CVRD Bylaw No. 4328 – Saltair Water System Service Loan Authorization (Water System Upgrades – \$3,700,000) Bylaw, 2020", be obtained through an Alternative Approval Process (AAP).
2. That the deadline for receiving elector responses to the AAP for "CVRD Bylaw No. 4328 - Saltair Water System Service Loan Authorization (Water Treatment Upgrades - \$3,700,000) Bylaw, 2020", be set at 4:30 pm, Wednesday, February 10, 2021.
3. That the elector response form be established as presented in Attachment B to the staff report to the November 25, 2020 Board meeting.
4. That the total number of electors of the area to which the AAP applies (Saltair Water System Service Area) be determined to be 1,465 (10% threshold = 146).

BACKGROUND

At its meeting of September 9, 2020, the Board granted "CVRD Bylaw No. 4328 – Saltair Water System Services Loan Authorization (Water Treatment Upgrades - \$3,700,000) Bylaw, 2020", three readings and the bylaw was forwarded to the Inspector of Municipalities for approval.

The Inspector has approved the bylaw and the Board may proceed with obtaining elector approval for adoption. Staff recommend the alternative approval process as the method for obtaining electoral approval for adoption of Bylaw No. 4328.

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*, the deadline must be a minimum of 60 days following the second publication of the statutory notice. Statutory notices are scheduled to appear in the Chemainus Valley Courier on Thursday, December 3, 2020, and Thursday, December 10, 2020. Following the second publication date the 60 day response period begins.

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 60 day calculation. Therefore, Wednesday,

February 10, 2021, would be the deadline date for submissions, (62 Days). Weekends and Statutory Holidays are included in the calculation.

Staff have calculated the total number of electors of the area to which the approval process applies (the Saltair Water System Service Area) at 1,465. The number of electors was calculated by using the number of registered resident electors on the Provincial voters list (received from Elections BC in June 2018) within the service area in Saltair, (1,463) and adding the number of registered non-resident property electors within the service area (2), excluding those property owners who also reside within the Service Area (0). 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 (146).

FINANCIAL CONSIDERATIONS

The costs for the AAP, including advertising, are estimated at \$2,700 to be recovered from the Saltair Water System Service Budget.

COMMUNICATION CONSIDERATIONS

Public consultation to inform customers for the long-term borrowing has included:

October 13, 2020 – information letter sent to customers of Saltair Water System updating on the filtration treatment requirement and borrowing costs as well as informing customers of the October 20, 2020, virtual public meeting and the October 28, 2020, in-person public meeting.

October 20, 2020 – WebEx virtual meeting. 25 participants in total. General questions regarding borrowing were asked. No objections to the borrowing bylaw were received.

October 28, 2020 – in-person public meeting. 10 attendees. Technical questions and specific questions on the borrowing were asked. No objections to the borrowing bylaw were received.

November 5, 2020 – meeting with the Saltair Water Advisory Committee to provide more details. No objections received.

To date, few inquiries have been received via email or phone. Those received were seeking more information or clarity. Objections to the borrowing have not been received.

Past community consultation related to the filtration treatment requirement is as follows:

October 2017 - Letter to customers informing customers of Island Health's requirements for a filtration treatment system.

October 2018 – Information letter to customers outlining options for meeting compliance with the filtration requirement and informing of the application for grant funding (the application was later announced to be un-successful).

March 2019 – Update letter to customers outlining costs for options to meet compliance and inviting customers to a public meeting in April 2019 to further provide details on each option and associated costs.

April 2019 – Well-attended public meeting with the community to present options and costs for the filtration treatment.

Three grant funding applications have been submitted through the Investing in Canada Programs, one as recently as February 2020. The first two applications were un-successful; the announcement for the latest application is expected in fall 2020.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

This process conforms to Section 5.2 – Community Engagement Policy.

Referred to (upon completion):

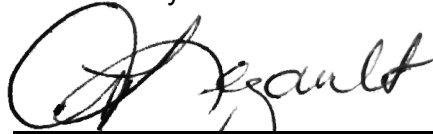
- Communications & Engagement
- Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Emergency Management, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services, Procurement*)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

Prepared by:

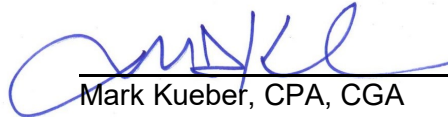


Kathleen Harrison
Deputy Corporate Officer

Reviewed by:



Angie Legault
Corporate Officer



Mark Kueber, CPA, CGA
General Manager

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

Resolution:

Manager, Legislative Services

Financial Considerations:

Manager, Finance

Chief Administrative Officer's Comments / Concurrence



Brian Carruthers
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Notice of Alternative Approval Process – Bylaw No. 4328

Attachment B – Elector Response Form – Bylaw No. 4328



**NOTICE TO ELECTORS WITHIN
A PORTION OF ELECTORAL AREA G – SALTAIR/GULF ISLANDS
OF AN ALTERNATIVE APPROVAL PROCESS OPPORTUNITY FOR
CVRD LOAN AUTHORIZATION BYLAW NO. 4328**

NOTICE IS HEREBY GIVEN that the Board of the Cowichan Valley Regional District proposes to adopt "CVRD Bylaw No. 4328 – Saltair Water System Service Loan Authorization (Water Treatment Upgrades - \$3,700,000) Bylaw, 2020".

BYLAW SUMMARY

If adopted, Bylaw No. 4328 will allow the Cowichan Valley Regional District to borrow upon the credit of the Regional District a sum not exceeding Three Million, Seven Hundred Thousand Dollars (\$3,700,000) over a twenty-year term; to fund the estimated cost to carry out water treatment upgrades to the Saltair Water System works to current municipal standards for the supply, treatment, conveyance, storage and distribution of water within a portion of Electoral Area G – Saltair/Gulf Islands. The costs of the debt would result in an estimated \$270 increase to the annual charges (per property) until the debt is retired. The complete bylaw is available for inspection at the Cowichan Valley Regional District office, located at 175 Ingram Street in Duncan, BC during regular office hours, Monday to Friday, 8:00 a.m. - 4:30 p.m., excluding statutory holidays. A copy of the bylaw is also available on the CVRD website at www.cvrld.bc.ca

ALTERNATIVE APPROVAL PROCESS AND ELIGIBILITY

The Regional District may adopt this bylaw unless at least 10% of electors within the service area indicate that a referendum must be held by submitting a signed *Elector Response Form* to the Regional District office **no later than 4:30 p.m. on Wednesday, February 10, 2021**. *Elector Response Forms* must be in the form established by the Regional District, and only those persons who qualify as electors within the Saltair Water System Service Area are entitled to sign. Service area electors may qualify as either resident electors or as non-resident property electors, as follows:

Resident Elector – You are entitled to submit an *Elector Response Form* as a resident elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in BC for at least six months, and have been a resident of the Saltair Water System Service Area for the past 30 days or more.

Non-Resident Property Elector – You are entitled to submit an *Elector Response Form* as a non-resident property elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in BC for at least six months, have owned and held registered title to a property within the Saltair Water System Service Area for the past 30 days or more, and do not qualify as a resident elector. NOTE: Only one non-resident property elector may submit a response form per property, regardless of how many owners there may be.

If less than 10% (146) of the proposed service area electors submit an *Elector Response Form*, the bylaw will be deemed to have the approval of the electors and the Regional District may proceed with adoption. For the purpose of conducting the alternative approval opportunity, the number of service area electors is calculated as 1,465.

A copy of the bylaw and *Elector Response Form* is available from the CVRD, 175 Ingram Street, Duncan, BC V9L 1N8, phone 250.746.2503 or toll free at 1.800.665.3955, or email aapresponse@cvrd.bc.ca OR on the CVRD website at www.cvrld.bc.ca



Attachment B
ELECTOR RESPONSE FORM
BYLAW NUMBER 4328

The Cowichan Valley Regional District (CVRD) is proposing to adopt "CVRD Bylaw No. 4328 – Saltair Water System Service Loan Authorization (Water Treatment Upgrades - \$3,700,000) Bylaw, 2020", which would allow the CVRD to borrow upon the credit of the Regional District a sum not exceeding Three Million, Seven Hundred Thousand Dollars (\$3,700,000); to fund the estimated cost to carry out water treatment upgrades to the Saltair Water System works to current municipal standards for the supply, treatment, conveyance, storage and distribution of water within a portion of Electoral Area G – Saltair/Gulf Islands. The estimated annual cost to residential property owners within the Saltair Water System Service Area would be approximately \$270 per parcel per annum, until the debt is retired.

If you are opposed to the adoption of this bylaw, you may indicate your opposition by signing and returning this Elector Response Form to the Regional District office by 4:30 PM, Wednesday, February 10, 2021. If at least 10% of the eligible electors within the area defined in the AAP submit responses, the regional district board may not proceed with the matter unless elector approval is obtained by assent voting. Approval of the electors by alternative approval process is obtained if less than 146 elector responses are received by the stated deadline. Only those persons who live or own property within the service area and meet the following qualifications are eligible to submit an Elector Response Form.

I hereby certify that:

- I am a Canadian citizen;
I am an individual who is age 18 or older;
I have been a resident of British Columbia for at least the past six months;
I have been a resident of the Saltair Water System Service Area for the past 30 days or I am entitled to register as a non-resident property elector;
I am not disqualified by the Local Government Act, or any other enactment, from voting in an election or am not otherwise disqualified by law.

I understand and acknowledge that I may not sign an Elector Response Form more than once in relation to this alternative approval process.

NAME OF ELECTOR: (please print full name)

ELECTOR STREET ADDRESS: (residential address)

OR
(Non-Resident property electors only)
Address of property in relation to which I am entitled to register as a non-resident property elector.
(property address)
(contact telephone number including area code)

SIGNATURE OF ELECTOR:

NOTE: The signed Elector Response Form must be returned to the CVRD Offices located at 175 Ingram Street, Duncan, BC, V9L 1N8 on or before 4:30 PM, Wednesday, February 10, 2021. Forms can be emailed to aapresponse@cprd.bc.ca or faxed to 250.746.2513, with the original to follow by mail. Regular office hours are 8:00 AM to 4:30 PM, Monday through Friday, excluding statutory holidays.

Section 86(6) of the Community Charter requires all electors to submit their response on the form established by the CVRD, or an accurate copy of that form.