

**DATE:** January 21, 2015

**FILE:** 3900-02  
7200-20 / HI

**TO:** Chair and Directors  
Regional District Board

**FROM:** Debra Oakman, CMA  
Chief Administrative Officer

**RE:** Hornby Island fire hall authorization bylaw alternative approval process results

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### **Purpose**

The purpose of this report is to present the Hornby Island fire hall project loan authorization bylaw alternative approval process (AAP) results and to identify options available to the board.

### **Policy analysis**

The *Local Government Act* requires regional districts to obtain elector approval before adopting a loan authorization bylaw. The CVRD board initiated an alternative approval process for Bylaw No. 350 being “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 350, 2014” at its October 21, 2014 meeting.

### **Executive summary**

Under the *Local Government Act*, the notices of an alternative approval process for Bylaw No. 350 have been published in the local newspaper as well as being posted on the CVRD website and information being presented in Hornby Island-based publications. These notices provided electors 30 days in which to sign an elector response form. By signing an elector response form, the electors would be preventing the regional district from adopting Bylaw No. 350 unless the matter received the assent of the electors by way of referendum. A copy of the notice for Bylaw No. 350 is attached as schedule ‘A’.

In order for the regional district to proceed with the final adoption of Bylaw No. 350, less than 10 per cent of the electors in the Hornby Island fire protection service area would have to submit an elector response form. In the case of the proposed loan authorization bylaw, the total number of electors within the service is 834 and ten per cent of that number or 83 would have to submit an elector response for to prevent the regional district from adopting Bylaw No. 350 without going to referendum.

At the close of the process, on January 15, 2015, 212 elector response forms were received from the electors in the service area. If the board wants to proceed with Bylaw No. 350, it must obtain the assent of the electors by way of a referendum. The *Local Government Act* requires that a referendum to consider Bylaw No. 350 must be held within 80 days of the AAP deadline. Therefore, if a referendum is to be held, it must be held before April 5, 2015.

No recommendations are included in this report. The board may consider proceeding to a referendum based on the language contained further in this report

Respectfully:

***D. Oakman***

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Debra Oakman, CMA  
Chief Administrative Officer

### **History/background factors**

At its October 2014 meeting, the CVRD board adopted a resolution to conduct an AAP to obtain elector approval before it could borrow funds under Bylaw No. 350. These funds would be used to construct the Hornby Island fire hall, in addition to funds from reserves and grant funding opportunities. Specific details about the project and funding sources are available on the CVRD website at [www.comoxvalleyrd.ca](http://www.comoxvalleyrd.ca). The AAP closed on Thursday, January 15, 2015 and more than 10 per cent of the electors of the Hornby Island fire protection service submitted response forms, meaning the board must obtain elector approval by referendum if the board wants to proceed with adopting Bylaw No. 350.

The board determined that the total number of electors on Hornby Island is 834 and as such 83 electors would have had to submit elector response forms to indicate that the board may not proceed with the bylaw unless it is approved by referendum (assent of the electors). At the AAP deadline, 212 valid elector response forms were submitted. Of the 212 valid response forms received, an additional eight forms were received; however, the electors who submitted those forms had subsequently asked, in writing, to have their forms removed from the count. Those additional forms are not included as part of the total number of valid forms.

### **Options**

The board may now decide to proceed to a referendum on the loan authorization bylaw or revisit the project. If the board chooses to proceed to a referendum, some relevant details are given below. If the board chooses to revisit the project, a referendum on Bylaw No. 350 may not be possible and a new borrowing bylaw may have to be initiated. Further requirements and details on revisiting the project would have to be developed if the board undertakes this approach.

Should the board choose to proceed to a referendum to obtain elector assent for Bylaw No. 350, the *Local Government Act* requires that the referendum be held no later than 80 days after the AAP deadline, which is April 5, 2015.

### **Financial factors**

Should the board proceed to a referendum on Bylaw No. 350, the financial details about the Hornby Island fire hall project in general and about Bylaw No. 350 in particular remain the same as was presented during the AAP. Specifically, the net increase over 2014 to the average property, assessed at approximately \$455,000, would be approximately \$24 per year.

More information is available on the CVRD website.

A referendum would cost between \$8000 and \$10000 and be charged to the Hornby Island fire protection service in the 2015 financial

### **Legal factors**

A referendum that is held to obtain elector assent for Bylaw No. 350 would be conducted under part four of the *Local Government Act*. A board resolution is required to conduct such a referendum

and should the select committee want to provide recommendations to the CVRD board, the following language could be considered to help initiate the referendum. No date is identified in the wording below, though possible dates are March 7, 14 or 21.

THAT Bylaw No. 350 being “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 350, 2014” be submitted to the electors of the Hornby Island fire protection service for approval by way of a referendum (assent voting) to be held on \_\_\_\_\_ to provide for funds to construct a new fire hall on Hornby Island;

AND FURTHER THAT a synopsis be used in required advertising, generally as follows:  
“Bylaw No. 350 being “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 350, 2014” would provide funds to assist with constructing a new Hornby Island fire hall by borrowing \$1,600,000 to be repaid over 20 years. The service area that is subject of this bylaw includes the Hornby Island fire protection service.”

AND FINALLY THAT the following question be approved for the Hornby Island fire hall loan authorization referendum to be held on \_\_\_\_\_:

“Are you in favour of the Comox Valley Regional District adopting Bylaw No. 350 being “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 350, 2014” to enable the CVRD to borrow \$1,600,000 to construct a fire hall on Hornby Island?”

Possible referendum dates of March 7, 14 or 21 may be considered, keeping in mind that the referendum must be held on a Saturday before April 5, 2015.

Should a referendum proceed, then the following general concepts would apply.

Advertising will be issued in early February to seek scrutineers, both for and against the question, during voting opportunities.

Advance voting and general voting will be conducted on Hornby Island.

Mail ballot voting:

Mail ballot voting is available for this referendum. Qualified electors may vote by mail if they:

- have a physical disability, illness or injury that affects their ability to vote at another voting opportunity,

OR

- expect to be absent from the CVRD on general voting day and at the times of all advance voting opportunities.

Voters can request a mail ballot package by submitting the following information to the CVRD office in person or by mail (600 Comox Road, Courtenay, BC, V9N 3P6), telephone (250-334-6000), fax (250-334-4358) or email ([administration@comoxvalleyrd.ca](mailto:administration@comoxvalleyrd.ca)):

- (1) Full name,
- (2) Residential address,
- (3) Address of the property in relation to which you are voting (for non-resident property electors),
- (4) Method of delivery of your mail ballot package:
  - a) pick up at CVRD office, OR

- b) regular letter mail through Canada Post to residential address, OR
  - c) regular letter mail through Canada Post to an alternate address that you provide when requesting the ballot package,
- (5) You must indicate whether you are going to be registering as a resident or non-resident property elector.

The CVRD will send out mail ballot packages in mid- to late-February. To be counted, your mail ballot must be received by the chief election officer on Hornby Island before the close of voting.

### **Sustainability implications**

Elector approval processes and citizen involvement in local government projects are important components of the CVRD sustainability strategy.

### **Intergovernmental factors**

The CVRD administers the elector approval process for service-related matters on Hornby Island.

### **Interdepartmental involvement**

The executive management branch coordinates the approval process for the loan authorization bylaw, involving both legislative and financial services staff. The community services branch manages the Hornby Island fire protection service.

### **Citizen/public relations**

Extensive information is available on the CVRD website for this project. Should the CVRD board proceed with a referendum, additional conversations with Hornby Island will be conducted.

Prepared by:

***J. Warren***

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James Warren  
Corporate Legislative Officer

Attachments: Appendix A – “Notice of alternative approval process for Bylaw No. 350”

## **PUBLIC NOTICE OF ALTERNATIVE APPROVAL PROCESS**

### **NOTICE TO ELECTORS WITHIN THE HORNBY ISLAND FIRE PROTECTION SERVICE REGARDING BYLAW NO. 350 BEING “HORNBY ISLAND FIRE PROTECTION SERVICE (FIRE HALL CONSTRUCTION) LOAN AUTHORIZATION BYLAW NO. 350, 2014”**

At its September 30, 2014 meeting, the Comox Valley Regional District (CVRD) board of directors proposed to adopt Bylaw No. 350 being “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 350, 2014” that would enable the CVRD to borrow \$1.6 million over 20 years to help pay for constructing a new fire hall to serve the Hornby Island fire protection service.

In general terms, Bylaw No. 350 authorizes the CVRD to carry out the planning, study, design and construction of works and facilities in connection with the fire hall construction for the Hornby Island fire protection service.

Borrowed funds will be paid back through the collection of taxes. Based on 2014 rates, the tax levy for a homeowner whose property is assessed at \$455,000 would increase from \$433 in 2014 to \$458 in subsequent years. This tax levy would pay for the entire fire protection service including operations and repaying the debt incurred as a result of the new fire hall construction project.

The CVRD may proceed with the adoption of Bylaw No. 350 if less than 83 electors (10% of the total number of electors of the service area) in the service area sign and submit elector response forms opposing the board’s adoption of the bylaw. Otherwise, if 83 or more valid elector responses are received, the board must obtain the assent of the electors by way of referendum before proceeding with the bylaw.

Elector responses must be in the format established by the board of directors. Forms may be obtained from the CVRD or from its website at [www.comoxvalleyrd.ca](http://www.comoxvalleyrd.ca) and may only be signed by electors of the Hornby Island fire protection service. Electors include both residents and non-resident who are eligible to vote.

The deadline for delivering the original signed elector response forms to the CVRD is **4:30 p.m. on Thursday, January 15, 2015**. Forms must be received by the deadline in order to be counted.

Copies of Bylaw No. 350 and records relating to the bylaws may be obtained from the CVRD offices at 600 Comox Road, Courtenay, B.C. during regular office hours Monday to Friday (excluding public holidays) from the date of this notice until 4:30 p.m. on January 15, 2015 or from the website at [www.comoxvalleyrd.ca](http://www.comoxvalleyrd.ca).

For further information, or to obtain the elector response forms, please contact the Comox Valley Regional District office at 600 Comox Road, Courtenay, B.C. V9N 3P6 or by telephone at 250-334-6000 or toll-free at 1-800-331-6007 or by e-mail at [administration@comoxvalleyrd.ca](mailto:administration@comoxvalleyrd.ca).

James Warren  
Corporate Legislative Officer