

DATE: August 20, 2020

FILE: 7200-20/Merville

TO: Chair and Directors
Regional District Board

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Greater Merville Fire Hall – Elector Assent

Purpose

To introduce a loan authorization bylaw for the Greater Merville Fire Hall project and confirm the alternative approval process (AAP) for elector assent of the bylaw.

Recommendations from the Chief Administrative Officer:

1. THAT Bylaw No. 614, being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020”, be introduced and read a first, second and third time;

AND FURTHER THAT Bylaw No. 614, being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020”, together with the associated staff reports be forwarded to the Inspector of Municipalities for approval pursuant to the *Community Charter* and *Local Government Act*.

2. THAT upon receiving approval of the Inspector of Municipalities and as soon as applicable publication deadlines allow, Comox Valley Regional District (CVRD) staff be directed to publish the Notice of Alternative Approval Process in accordance with section 86(3)(a) of the *Community Charter* including the following information, as generally outlined in the staff report dated August 20, 2020;
 - a. 2,733 as the total number of eligible electors within the Merville Fire Protection Service Area as established by Bylaw No. 484 being “Merville Fire Protection Service Establishment Bylaw No. 484, 2017”, to which the Alternative Approval Process applies;
 - b. the Notice of Alternative Approval Process shall be published in the Comox Valley Record, as well as additional notice provided via the CVRD website;
 - c. the deadline for receiving elector responses shall be established as 4:30 p.m. on the next business day following the 30-day statutory elector response period, with the start date of the 30-day statutory elector response period being the first business day following the second publication date in the newspaper noted above;
 - d. the elector response form will provide for only a single elector response on each form and will be available at the CVRD offices and on the CVRD website from the first publication date of the Notice of Alternative Approval Process until the deadline of elector response period as determined above; and
 - e. elector response forms are able to be submitted in any one of the following manners:

- i. In person at: 770 Harmston Avenue, Courtenay, BC (Monday to Friday, 8:00 AM - 4:30 PM, excluding Statutory Holidays);
- ii. Via mail to: 770 Harmston Avenue, Courtenay, BC, V9N 0G8;
- iii. Via fax at: 250-334-4358; or
- iv. Via email attachment to: administration@comoxvalleyrd.ca with the subject heading: “Elector Response”.

Executive Summary

- At the April 28, 2020 regular meeting the Board resolved to conduct an AAP to seek elector assent for a loan authorization bylaw to help finance the construction and equipping of a new Greater Merville Fire Protection Service fire hall.
- An AAP is a process whereby the Board notifies the electors of its intent to proceed with final passage and adoption of a bylaw (or other matter) unless at least 10% of the electors petition against the initiative, in which case the bylaw or other matter may not be adopted without first obtaining the assent of the electors by voting.
- The development of an auxiliary fire hall, centrally located within the Greater Merville area has been identified as a key initiative within the core service of regional emergency services. Potential benefits to the local community include improved life-safety services for area residents and may reduce fire insurance premiums for insured residences.
- Bylaw No. No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020” (Appendix A) authorizes the maximum borrowing of \$2,000,000 to construct and equip an auxiliary fire hall for the Greater Merville Fire Protection Service.
- Subject to board authorization, the AAP is proposed to be conducted from November 4, 2020 to December 7, 2020 assuming an 8 week turnaround to receive Inspector Approval. If Inspector approval is received earlier the AAP will be proceed ahead of this estimated timeline.
- In launching the AAP the following matters must first be dealt with by the Board:
 - confirmation of the form to be used for elector responses,
 - determination of the number of eligible electors within the area that is subject to the AAP, and
 - establishment of the deadline for receiving responses from electors.
- In the context of COVID 19 pandemic, staff has developed a communication plan that enables the CVRD to provide the residents and property owners of the service area with the information they require to make an informed decision regarding the AAP question, while adhering to the Public Health Orders regarding physical distancing.
- No tax increase is anticipated as part of the borrowing plan for the construction of the hall and related equipment, due to transitioning from increased reserve contributions in recent years in anticipation of this capital project to debt repayment following construction.

Prepared by:

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Government Partners and Stakeholder Distribution (Upon Agenda Publication)

N/A	
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Attachments:

- Appendix A - Bylaw No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020”
- Appendix B - Report for Determining the Number of Eligible Electors
- Appendix C - Draft Notice of Alternative Approval Process
- Appendix D - Draft Elector Response Form

Background/Current Situation

In 2016 a consultant’s report recommended the development of an auxiliary fire hall, centrally located within the Greater Merville area. The consultant noted that having a well-equipped and well-trained fire department will:

- Materially improve the life safety of the residents in the fire protection area;
- May result in reduced fire insurance costs for residents of the service area; and
- Will introduce the medical first responder program to the service area.

Staff have entered into a Memorandum of Understanding with the Mountaineer Avian Rescue Society (MARS) regarding leasing a portion of their property for the fire hall.

The project includes

- Construction of a wood framed, single storey, two-bay auxiliary fire hall that meets post-disaster construction standards.
- Purchase of a fire engine and tanker truck as well as the operational equipment required for the fire hall

The project engineering team has developed the schematic designs for the auxiliary fire hall which formed the basis of the current Class A estimate. Further, staff have developed an estimated vehicle and equipment cost for a total estimated project cost of \$2,129,000. Based on this total cost estimate, staff have refined the financial strategy which is detailed within the Financial Factors section of this report.

Bylaw No. No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020” (attached as Appendix ‘A’) provides the legal authority for the Comox Valley Regional District to enter into debt liability for the fire hall project described in the bylaw.

Alternative Approval Process

A timeline detailing the AAP, assuming an 8 week turnaround to receive Inspector Approval, is provided below – Inspector Approval is anticipated to take between 6 and 8 weeks.

Alternative Approval Process – Tentative Timeline
Assumption: Inspector Approval will be received within 8 weeks of August 26, 2020 but may be received earlier providing corresponding adjustments to the timeline.
Board meeting to give 3 readings to Loan Authorization Bylaw
August 25, 2020
Receive Inspector Approval by this date
October 23, 2020

AAP statutory notice (1st publication date)
October 28, 2020
AAP statutory notice (2nd publication date)
November 4, 2020
AAP statutory 30-day elector response period (from 2nd publication date)
November 5, 2020 - December 5, 2020
Deadline (4:30 p.m.) for receiving AAP elector responses
December 7, 2020
Board Meeting to receive AAP results and, if successful, consider adoption of Loan Authorization Bylaw. Temporary Borrowing Bylaw given 3 readings by the Board
December 15, 2020
30-day quashing period (Loan Authorization Bylaw)
December 16, 2020 - January 15, 2021
Apply for Certificate of Approval (Loan Authorization Bylaw)
January 16, 2021
Board Meeting to consider adoption of Temporary Borrowing Bylaw
January of 2021

As timing for Inspector approval is unknown, the deadline for the elector response period is determined based upon the following methodology:

- Receipt of Inspector approval;
- As soon as applicable publication deadlines allow, publication over a period of two weeks of the Notice of Alternative Approval Process in the Comox Valley Record;
- The deadline for receiving elector responses is established as 4:30 p.m. on the next business day following the 30-day statutory elector response period, with the start date of the 30-day statutory elector response period being based upon the second publication date in newspaper.

As required by the *Community Charter* and the *Local Government Act*, a report has been provided (attached as Appendix ‘B’) for the purpose of making a fair determination of the total number of electors within the area affected by the bylaw for which the AAP is being conducted. Based on an estimate of eligible resident electors and non-resident property electors, it would take 273 (i.e. 10%) or more elector responses (i.e. those electors who oppose the loan) to defeat the Alternative Approval Process and prevent the Board from adopting Bylaw No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020”. If the AAP is defeated, the Board could then decide whether or not to pursue approval of the bylaw via referendum.

A draft Notice of Alternative Approval Process (attached as Appendix ‘C’) and a draft Elector Response Form (attached as Appendix ‘D’) will be modified and finalized with the deadline for the elector response period once confirmed.

Policy Analysis

The Greater Merville fire hall is a key initiative within the identified Core Service of Regional Emergency Services

In accordance with the *Local Government Act*, entering into a long-term borrowing agreement for the capital construction and equipping of the fire hall will require elector assent.

The adopted 2020-2024 financial plan includes funds to conduct an elector assent process regarding adoption of a long-term borrowing bylaw.

Options

The following options are provided respecting this matter:

1. Approve the Recommendations provided in this staff report as presented.
2. Changes as per the Board’s direction.
3. Do not proceed with the loan authorization bylaw and alternative approval process at this time and direct alternative actions.

Financial Factors

The financial strategy to fund the Greater Merville auxiliary fire hall project includes a combination of capital reserves and a maximum of \$2,000,000 in debenture debt through an alternative approval process based on Class A estimates provided by the design team engineers. The term of the debt issue will be determined based on affordability, life of the building and equipment assets with a maximum debt retirement recommended to be no more than 25 years.

The financial strategy to fund the project is achievable within the current requisition of the approved 2020-2024 financial plan. That is; the project is not anticipated to increase the current taxation level for the service. The service had increased its capital reserve contributions in recent years in anticipation of this project, therefore these annual allocations will be re-allocated to debt repayment following construction and equipping the facility.

Should the loan authorization bylaw be approved, the board will be asked to consider adopting a temporary borrowing bylaw to enable funding for the project until such time as the CVRD would enter into a long-term debenture with the Municipal Finance Authority.

Table 1 below describes the estimated project expenses and highlights the revenue proceeds from debt should the AAP be successful.

Table 1

Capital Expenses	Estimate
Fire Hall construction Class A estimate	\$1,236,260
Anticipated additional construction expenses (escalation cost, water treatment, septic design, development permit)	\$62,087
Anticipated fire vehicle and equipment expenses	\$810,000
MFA debt expense	\$21,083
Estimated Total expenses	2,129,430
Capital Revenue	
Short-term debt proceeds	\$2,000,000
Transfer from reserves	\$129,430
Total revenue	2,129,430

Legal Factors

As long-term borrowing is necessary, a loan authorization bylaw is required which must be approved by electors. The loan authorization bylaw (attached as appendix ‘A’) must address a variety of topics, including:

- the total amount to be borrowed: maximum of \$2,000,000
- the purposes for which the debt is to be incurred: constructing and equipping the auxiliary fire hall; and

- the length of term for borrowing: no more than 25 years

The bylaw requires the approval of the electors and the Inspector of Municipalities. Elector approval will be sought via an AAP as approved by the board. Statutory public notice requirements have been described above within this report.

Regional Growth Strategy Implications

The Greater Merville fire protection service and the construction of a fire hall addresses Objective 7C- Improve Regional Fire Safety of the Regional Growth Strategy.

Intergovernmental Factors

Operations for the Greater Merville Fire Protection Service is currently delivered by way of service agreement with the City of Courtenay (City). Once the fire hall project is completed it will be an auxiliary fire hall managed by the Oyster River Fire Rescue department. The City is a stakeholder in this effort and is kept apprised as this project moves forward.

Interdepartmental Involvement

The Legislative Services Department has collaborated with the Community Services Branch respecting this initiative.

Citizen/Public Relations

In the context of COVID 19 pandemic and Public Health Orders requiring physical distancing, staff has developed a communication plan that includes:

- CVRD project webpage that;
 - Is the primary source of information for the public
 - Is updated as new information becomes available
 - Includes an accumulating Q and A to be updated as new questions are asked.
- Direct mail out to each property owner and resident that:
 - Introduces the project and anticipated timeline
 - Introduces the project webpage as the primary source of information
 - Details the reason and process of gathering electoral assent.
 - Introduces the dedicated email address for public comments.
 - Introduces mailing address for public comments through non-electronic means.
- Monitoring of social media discussion and to direct inquires to the website for further information.

This communication plan enables the CVRD to provide the residents and property owners of the service area with the information they require to make an informed decision regarding the AAP question, while adhering to the Public Health Orders regarding physical distancing.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 614

A bylaw to authorize the borrowing for the Greater Merville Fire Protection Service

WHEREAS the Greater Merville Fire Protection Service was established by the adoption of Bylaw No. 484 being “Merville Fire Protection Service Establishment Bylaw No. 484, 2017” on August 29, 2017;

AND WHEREAS the board desires to borrow two million dollars (\$2,000,000) for the purpose of constructing and equipping an auxiliary fire hall for the Greater Merville Fire Protection Service;

AND WHEREAS under section 403 of the *Local Government Act (RSBC, 2015, C. 1)* and section 179 of the *Community Charter*, the board may, by loan authorization bylaw, borrow for capital purposes within its powers;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained in accordance with the *Local Government Act* and the *Community Charter*;

AND WHEREAS the approval of the electors of the Greater Merville Fire Protection Service is required and was obtained in accordance with the *Local Government Act*;

AND WHEREAS the maximum term for which debentures may be issued to secure the debt created by this bylaw is 25 years;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Borrowing amount and purpose

1. The board is hereby empowered and authorized to construct and equip the Greater Merville Fire Protection Service; and to do all things necessary in connection therewith, without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the regional district, a sum not exceeding two million dollars (\$2,000,000); and
 - b) to acquire all such real and personal property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with constructing and equipping the Greater Merville Fire Protection Service as established by Bylaw No. 484 being “Merville Fire Protection Service Establishment Bylaw No. 484, 2017”.

Term of debenture

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 25 years.

Citation

This Bylaw No. 614 may be cited for all purposes as the "Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020".

Read a first and second time this day of 2020.

Read a third time this day of 2020.

Approved by the

Inspector of Municipalities this day of 2020.

Received the

approval of the electors this day of 2020.

Adopted this day of 2020.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 614 being "Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020" as adopted by the board of the Comox Valley Regional District on the day of 2020.

Corporate Legislative Officer

Report for Determining the Number of Eligible Electors - Alternative Approval Process

- Purpose:** The purpose of this report is to show the basis for determining the total number of electors in relation to **Bylaw No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020”** that is the subject of an Alternative Approval Process.
- Area Affected:** The area affected by the proposed agreement is the entire Greater Merville Fire Protection Service Area, which encompasses a portion of Electoral Areas B (Lazo North) and Electoral Area C (Puntledge - Black Creek).
- Authority:** Section 86 of the *Community Charter*
Sections 269, 270 of the *Local Government Act*
- Objective:** Once the Comox Valley Regional District Board has made a fair determination of eligible electors, 10 percent of that number will be set as the threshold for determining whether the board may adopt Bylaw No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020” without the requirement for elector assent by voting.
- Methodology:** Statistics from BC Stats and BC Assessment Authority have been used to estimate the number of eligible electors. These are public agencies which maintain comprehensive databases of population, population distribution, property ownership and other demographic data.

The number of people eligible to be a resident elector or a non-resident property elector is determined based on those individuals who when signing an elector response form:

- are 18 years of age or older;
- are a Canadian citizen;
- have lived in British Columbia for at least six months;
- have lived or owned property in the jurisdiction (i.e. municipality or electoral area) for at least 30 days;
- live or own property in the area defined for the Alternative Approval Process; and,
- are not disqualified under the Local Government Act, or any other enactment from voting in a local election, or are not otherwise disqualified by law.

The estimated number of eligible electors within the area defined for the Alternative Approval Process is based on information from various sources (as indicated below), calculated as follows:

Estimated population (see (1) below):	3,142
Estimated number of people 18 years of age or older: (see (2) below):	2,639
Add estimated # of non-resident property electors (see (3) below):	<u>94</u>
Estimated total # of eligible electors in the area defined for the Alternative Approval Process	<u>2,733</u>
Ten percent of the total # of eligible electors is estimated to be:	273

Conclusion: For the purpose of the Alternative Approval Process for **Bylaw No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020”** the number of eligible electors has been fairly determined to be 2,733. Therefore the required number of elector responses needed to prevent the adoption of the bylaw via the Alternative Approval Process is 273.

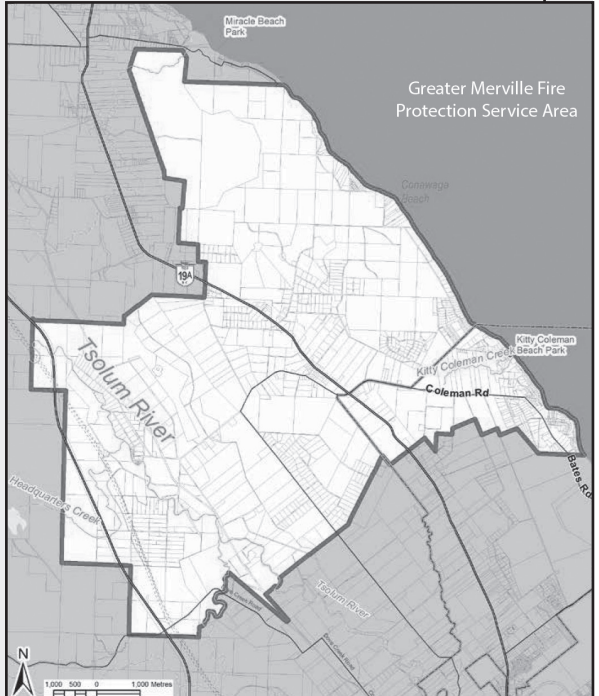
Sources:

1. The total estimated population within the Service Area was derived from information obtained from the BC Assessment tax roll information and Statistics Canada, 2016 Census of Population which provides figures for the average persons per household within Electoral Areas C and B. The estimated population of the Service Area is 3,142.
2. The estimated number of people 18 years of age or older was derived from information obtained from BC Statistics website, based on 2019 population estimates for the Comox Valley Regional District. The estimated number of people 18 years of age or older is 2,639.
3. In respect of the Service Area, the number of non-resident property electors is estimated to be 94 based on an analysis of BC Assessment tax roll information and the requirement that a person may register as a non-resident elector only in relation to one parcel of real property in an electoral area.

Public Notice of Alternative Approval Process

PUBLIC NOTICE is hereby given in accordance with the *Local Government Act* and the Community Charter that the Comox Valley Regional District ("CVRD") has proposed the following bylaw: Bylaw No. 614, being "Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020" ("Bylaw"). The Bylaw relates to the CVRD's Greater Merville Fire Protection Service Area ("Service Area"), which includes a portion of CVRD Electoral Area B (Lazo North) and Electoral Area C (Puntledge Black Creek), as shown on the map below:

The Bylaw would authorize the CVRD to borrow two million dollars (\$2,000,000) for the construction and equipping of a new auxiliary fire hall for the Greater Merville Fire Protection Service. The loan would be paid back over a maximum of 25 years by the taxable properties within the Service Area. No tax increase is projected as part of the borrowing plan due to the budget transitioning from increased reserve contributions to debt repayment.



The CVRD Board is seeking participating area approval of electors by way of an Alternative Approval Process for the Service Area. The number of eligible electors in the Service Area has been fairly determined to be 2,733 and the number of elector responses required to prevent the CVRD Board from proceeding without the further assent of electors is 273. The deadline for elector responses in relation to this Alternative Approval Process is 4:30 pm on _____, 2020.

The CVRD Board may proceed with adoption of the Bylaw unless, by the stated deadline, at least 10 per cent (being 273) of the electors of the Service Area indicate that the CVRD Board must obtain the elector approval by assent vote. Public inspection of copies of the Bylaw can be made at the CVRD office from 8:00 am to 4:30 pm (Monday-Friday, except holidays). As a result of the Coronavirus (COVID-19) outbreak, CVRD facility closures may be in effect so the public is encouraged to contact the CVRD office to confirm arrangements.

Elector responses must be given in the form established by the CVRD Board. Elector response forms are available at the CVRD office and online. The only persons entitled to sign the elector response forms are the electors of the Service Area to which the Alternative Approval Process applies. For more information about Resident Elector and Non-Resident Property Elector qualifications, visit the CVRD website or contact the CVRD's Corporate Legislative Officer.

More Information:

Comox Valley Regional District:
770 Harmston Avenue
Courtenay, BC V9N 0G8
Tel: 250-334-6000
Toll free: 1-800-331-6007
comoxvalleyrd.ca/mervillefire



comoxvalleyrd.ca   

Alternative Approval Process - Elector Response Form

Proposed Bylaw No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020” which would authorize the Comox Valley Regional District (CVRD) to borrow two million dollars (\$2,000,000) to be repaid over a maximum 25-year period for the construction and equipping of a new auxiliary fire hall for the Greater Merville Fire Protection Service, which includes a portion of Electoral Area ‘B’ (Lazo North) and Electoral Area ‘C’ (Puntledge/Black Creek). Please see the following page for further information.

Pursuant to Section 86 of the *Community Charter*, I certify that:

- I am a person entitled to be registered as an elector or non-resident elector pursuant to the *Local Government Act* (see eligibility requirements on the following page);
- I have not previously signed an Elector Response Form with respect to this matter; and
- I am **OPPOSED** to the adoption of Bylaw No. 614 being “Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020”.

Full name: (please print)	
Residential address: (please provide full address)	
Signature:	
Date:	

To be completed by non-resident property electors only (see eligibility requirements on the following page)
I am entitled to register as a non-resident property elector as an owner of the property located at the following address: <hr/>

For this Elector Response Form to be counted, it must be received by the Corporate Officer of the CVRD no later than 4:30 pm on **DATE** by one of the following methods:

Mail or in person: Comox Valley Regional District 770 Harmston Avenue, Courtenay, BC V9N 0G8	Fax: 250-334- 4358	Email: administration@comoxvalleyrd.ca
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- **Postmarks will not be accepted as the date of receipt by the CVRD**
- **Accurate copies of this elector response form may be made and used for signing**
- **A person may not sign more than one elector response form**
- **For the purpose of this Alternative Approval Process, 10 percent of the qualified electors has been determined to be 273 persons. Determination of the number of qualified electors is available on the Regional District’s website and by request.**

Greater Merville Fire Protection Service - Auxiliary Fire Hall

The Greater Merville Fire Protection Service is currently provided by the CVRD through a contract with the City of Courtenay for fire suppression services. A study conducted in 2016 identified the development of an auxiliary fire hall, centrally located within the service area, as an opportunity to potentially provide improved life-safety services and reduced fire insurance premiums. Based on these potential benefits to residents, the CVRD is proposing to construct, equip and operate a new auxiliary fire hall at the Mountaineer Avian Rescue Society property at Williams Beach Road and the Island Highway. The fire hall would be managed in collaboration with Oyster River Fire Rescue. Bylaw No. 614 being "Greater Merville Fire Protection Service Loan Authorization Bylaw No. 614, 2020" would authorize the CVRD to borrow two million dollars (\$2,000,000) to be repaid over a maximum 25-year period for the construction and equipping of the new auxiliary fire hall. No tax increase is projected as part of the borrowing plan due to the budget transitioning from increased reserve contributions in recent years in anticipation of this capital project to debt repayment.

Elector Eligibility RequirementsResident elector (section 65 of the *Local Government Act*)

- 18 years of age or older;
- a Canadian citizen;
- a resident of British Columbia for at least six months immediately before signing this elector response form;
- a resident of the Greater Merville Fire Protection Service Area for at least 30 days before signing this elector response form; and
- not disqualified from voting under the *Local Government Act* or any other enactment or otherwise disqualified by law from voting.

Non-resident property electors (section 66 of the *Local Government Act*)

- 18 years of age or older;
- a Canadian citizen;
- a resident of British Columbia for at least six months immediately before signing this elector response form;
- not entitled to vote as a resident elector in the Greater Merville Fire Protection Service Area for the purposes of this matter;
- a registered owner of real property in the Greater Merville Fire Protection Service Area for at least 30 days before signing this elector response form;
- may not vote more than once within a voting jurisdiction regardless of the number of properties owned;
- where more than one non-resident person owns the property, the person wishing to submit an electoral response form for that property must provide, at the time of registration, written consent from a majority of the property owners,
- who holds the real property in trust for a corporation or another trust is not eligible to vote as a non-resident property elector, and
- not be disqualified from voting under the *Local Government Act* or any other enactment or otherwise disqualified by law from voting.

More Information

Comox Valley Regional District: 770 Harmston Avenue, Courtenay, BC V9N 0G8

Phone: 250-334-6000 toll free: 1-800-331-6007

Office hours: Monday to Friday 8:00 am to 4:30 pm

www.comoxvalleyrd.ca/mervillefire