

DATE: March 22, 2018**FILE:** 1750-01**TO:** Chair and Directors
Regional District BoardSupported by Russell Dyson
Chief Administrative Officer**FROM:** Russell Dyson
Chief Administrative Officer*R. Dyson***RE: Alternative Approval Process Results – Comox Valley Water Treatment Loan****Purpose**

The purpose of this report is to present the results of the alternative approval process (AAP) that was conducted to seek elector approval for Bylaw No. 504 being “Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017” (Appendix A).

Recommendation from the Chief Administrative Officer:

None.

Executive Summary

The *Local Government Act* (LGA) requires regional districts to obtain elector approval before adopting a loan authorization bylaw. The Comox Valley Regional District (CVRD) Board gave three readings to Bylaw No. 504 at its November 7, 2017 meeting and endorsed the required forms and notices to conduct an alternative approval process to seek elector approval.

The notices of an alternative approval process for Bylaw No. 504 being “Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017” were published in the local newspaper on February 8 and 13, 2018. This notice, attached as Appendix B, provided electors with at least 30 days in which to sign and submit an elector response form prior to the deadline of 4:30 pm on March 16, 2018 to register their opposition to the regional district adopting Bylaw No. 504.

In order for the CVRD to proceed with the final adoption of Bylaw No. 504, less than 10 per cent of the electors in the Comox Valley Water Supply System Service Area would have to submit an elector response form. The total number of electors within the service area was determined to be 47,845 and 10 per cent of that number, or 4,785 individuals, would have to submit an elector response form to prevent the CVRD from adopting Bylaw No. 457 without first going to referendum.

As per Section 86 (8) of the Community Charter the corporate officer must determine and certify, whether elector approval in accordance with this section has been obtained. At the close of the process, on March 16, 2018 at 4:30 pm, 31 elector response forms were received from eligible electors in the service area. The Corporate Officer’s certification is provided as Appendix C.

With inspector approval of this bylaw being received on December 18, 2017 and electoral approval being received on March 16, 2018, the board may now consider adoption of Bylaw No. 504.

Prepared by:

Concurrence:

J. Martens

Jake Martens
Manager of Legislative Services

J. Warren

James Warren
General Manager of Corporate Services

Attachments:

Appendix A – Bylaw No. 504 being “Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017”.

Appendix B – Public Notice of Alternative Approval Process – Bylaw No. 504

Appendix C – AAP Results Certification

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 504

A bylaw to authorize the borrowing of twenty-nine million dollars (\$29,000,000) for the purpose of constructing a water treatment system under the Comox Valley Water Supply System.

WHEREAS the Regional Board of the Comox Valley Regional District has established by Bylaw No. 1783, a service for the purpose of providing water service to the Comox Valley Water Supply System Service Area;

AND WHEREAS it is deemed desirable and expedient to construct a water treatment system for the Comox Valley Water Supply System;

AND WHEREAS the board desires to borrow twenty-nine million dollars (\$29,000,000) for the purpose of constructing the water treatment system;

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 electors of the Comox Valley Water Treatment Project Loan Authorization Bylaw is required and was obtained pursuant to section 345 of the *Local Government Act (RSBC, 2015, C. 1)*;

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 undertake and carry out or cause to be carried out the water treatment project construction for the Comox Valley Water Supply System and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Comox Valley Regional District (under the Comox Valley Water Supply System), a sum not exceeding twenty-nine million dollars (\$29,000,000); 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 the construction of said improvements to the water supply system.

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 twenty-five (25) years.

Citation

This Bylaw No. 504 may be cited for all purposes as the "Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017".

Read a first and second time this	7th	day of	November	2017.
Read a third time this	7th	day of	November	2017.
Approved by the Inspector of Municipalities this	18th	day of	December	2017.
Received the approval of the electors this	16th	day of	March	2018.
Adopted this		day of		2018.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 504 being "Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017" as adopted by the board of the Comox Valley Regional District on the ___ day of _____, _____.

Corporate Legislative Officer

Public Notice of Alternative Approval Process

Notice to Electors within the Comox Valley Water Supply System Service Area, which includes the Town of Comox, City of Courtenay and Electoral Areas 'A' (Baynes Sound, Denman/Hornby Islands), 'B' (Lazo North) and 'C' (Puntledge/Black Creek) of the Comox Valley Regional District regarding Bylaw No. 504 "Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017."

OVERVIEW: At its November 7, 2017 meeting, the Comox Valley Regional District (CVRD) Board of Directors proposed to adopt Bylaw No. 504 being "Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017" that would authorize the borrowing of twenty-nine million dollars (\$29,000,000) to be repaid over a maximum 25-year period for the construction of a new water treatment system.

In general terms, the purpose of the borrowing is to construct a new water treatment system, which includes a deep water intake, raw water pump station, raw water pipeline, water treatment plant, and treated water pipeline. These improvements will bring the water supply system into compliance with provincial regulations and enhance water quality and safety, as well as providing water security for our region.

AREA: The Comox Valley Water Supply Service Area comprises the Town of Comox, City of Courtenay and Comox Valley Regional District Electoral Area A (Baynes Sound, Denman/Hornby Islands), Electoral Area B (Lazo North) and Electoral Area C (Puntledge – Black Creek). For detailed map refer to the CVRD website at: www.comoxvalleyrd.ca/aap

RATEPAYER IMPLICATIONS: Only those who are connected to the water supply system will repay the borrowed funds. Customers include property owners in the City of Courtenay, Town of Comox and the Comox Valley Water Local Service Areas being Marsden/Camco, Arden, Greaves Crescent, Comox Valley, England Road and Sandwick. The average impact on residential customers for the borrowing of the project is estimated at \$86 per household per year over a maximum of 25 years.

ALTERNATIVE APPROVAL PROCESS: In accordance with Section 86 of the Community Charter, the CVRD is seeking the approval of the electors within the Comox Valley Water Supply System Service Area by means of the Alternative Approval Process (AAP). Therefore, eligible electors within the service area opposed to the CVRD borrowing these funds may petition against the adoption of Bylaw No. 504 by signing an elector response form, which may be obtained from the Comox Valley Regional District. The number of eligible electors within the boundaries of the service area has been fairly determined to be 47,845 and the number of valid elector response forms required to prevent the adoption of Bylaw No. 504 without first obtaining the assent of the electors by referendum is 4,785.

ELECTOR RESPONSE FORM: 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/aap and may only be signed by electors of the Comox Valley Water Supply System Service Area.

DEADLINE: The deadline for delivering the signed elector response forms to the CVRD is 4:30 pm on Friday, March 16, 2018. Emailed or faxed copies are acceptable however they must include the elector's signature. Forms must be received by the deadline in order to be counted.

Copies of Bylaw No. 504 and records relating to the bylaw may be obtained from the CVRD offices at 600 Comox Road, Courtenay, BC during regular office hours Monday to Friday (excluding public holidays) from the date of this notice until March 16, 2018 or from the website at: www.comoxvalleyrd.ca/aap

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



600 Comox Road, Courtenay, BC V9N 3P6
 Tel: 250-334-6000 Fax: 250-334-4358
 Toll free: 1-800-331-6007
 www.comoxvalleyrd.ca



File: 1750-01

March 21, 2018

Re: Certification of Alternative Approval Process Results

I, James Warren, Corporate Legislative Officer of the Comox Valley Regional District, do hereby certify the results of the alternative approval process that was conducted to obtain the approval of the electors for the Comox Valley Water Treatment Project Loan Authorization Bylaw No. 504, 2017 for the purpose authorizing the borrowing of twenty-nine million dollars (\$29,000,000) to be repaid over a maximum 25-year period for the construction of a new water treatment system as follows:

47,845	Estimated number of eligible electors located within the service area
4,785	Estimated number of eligible elector responses required to oppose adoption of Bylaw No. 504 unless an assent vote (referendum) is held
31	Number of elector response forms submitted by the deadline (March 16, 2018 4:30 p.m.)
0	Number of elector response forms rejected
31	Number of elector response forms accepted

In accordance with Section 86 of the Community Charter, I hereby determine and certify that the approval of the electors for Bylaw No. 504 was obtained.

Certified this 21st day of March, 2018.

J. Warren

James Warren
 Corporate Legislative Officer