

DATE: February 13, 2015

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7200-20 / HI

TO: Chair and Members
Hornby Island Fire Hall Select Committee

FROM: Debra Oakman, CMA
Chief Administrative Officer

RE: Hornby Island fire protection service (fire hall construction) loan authorization bylaw

Purpose

The purpose of this report is to introduce a loan authorization bylaw for the Hornby Island fire protection service regarding the construction of a new fire hall, and to outline the referendum process for this bylaw.

Policy analysis

The Comox Valley Regional District operates the Hornby Island fire protection service under Bylaw No. 2011 being “Hornby Island Fire Protection Local Service Establishment Bylaw No. 2011, 1998”. In 2008, a select committee was established to review and make recommendations on the Hornby Island fire hall renewal project. The planning, design and public consultation regarding the construction of a new Hornby Island fire hall is identified as an operational priority for the community services branch on the board’s strategic plan. The 2014 -2018 approved financial plan and the 2015-2019 proposed financial plan each identify the construction of a new Hornby Island fire hall in 2015. Section 819 of the *Local Government Act* and Section 179 of the *Community Charter* authorizes the Comox Valley Regional District (CVRD) to borrow funds for capital construction purposes within its powers by way of loan authorization bylaw. It also requires the board to specify certain criteria to ensure the borrowing process is transparent and accountable to the public.

Executive summary

On January 15, 2015, alternative approval process (AAP) to seek elector approval to borrow funds to help construct a fire hall on Hornby Island received elector response forms from more than 10% of the electors in the Hornby Island fire protection service. The select committee and the CVRD board have opted to proceed to seek elector approval at a referendum to be held on April 18, 2015. A new bylaw must be introduced at this point, given three readings by the CVRD board, approved by the Inspector of Municipalities and considered at the April 18, 2015 referendum. The bylaw would, if approved by the electors at the April 18, 2015 referendum (assent voting) authorize the board to borrow up to \$1.6 million to be used towards construction of a fire hall on Hornby Island. The borrowed funds would have to be repaid within 20 years.

Extensive materials are posted on the CVRD website including financial details, project logistics and design criteria. The referendum proposed for April 2015 is based on the same financial factors considered during the AAP. Specifically, based on the \$1.6 million estimate, the net increase to the tax levy over 2014, for the average Hornby Island residential property, assessed at approximately \$455,000, would be approximately \$24 per year.

The loan authorization bylaw (appendix “A”) must address a variety of topics that include the following:

- Total amount to be borrowed: \$1,600,000
- Purpose for which the debt is to be incurred: construction of a new Hornby Island fire hall.

- Length of borrowing term: 20 years

Once adopted, Bylaw No. 362 being the “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No.362, 2015” (appendix “A”) would authorize the borrowing of \$1,600,000 for the capital construction of a Hornby Island fire hall with a term of 20 years. Approval of the electors is required for this loan authorization bylaw and the board supports a referendum (assent voting) be conducted to request this approval.

With the consideration of the board, the following process will be used in adopting Bylaw No. 362:

1. Three readings of Bylaw No. 362 will be given at the February 24, 2015 board meeting.
2. The Inspector of Municipalities will be requested to give statutory approval for the bylaw that authorizes the regional district to conduct a referendum.
3. The referendum will be advertised and information detailing the borrowing requirements will be provided to the public.
4. If greater than 50 per cent of the referendum ballots cast by eligible electors are in the affirmative, bylaw No. 362 may be considered for adoption at a future board meeting.

The referendum would be conducted under part 4 (assent voting) of the *Local Government Act* and would follow the required advertising and operational requirements that are stipulated by part 4 (assent voting) and part 3 (electors and elections). To proceed with a referendum, the board will need to approve:

- the assent voting date, being April 18, 2015;
- the question that voters will be asked (as contained in this report’s recommendation); and
- a synopsis of bylaw No. 362 being “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 362, 2015” that will be used in legal notices and advertising.

Advertising will be issued in mid-March to seek scrutineers, both for and against the question, during voting opportunities.

Voters will have the following opportunities to cast a ballot:

Advance voting: Wednesday, April 8, 2015 from 8 am to 8 pm on Hornby Island (specific location to be determined and publicly advertised)

Referendum day: Saturday, April 18, 2015 from 8 am to 8 pm on Hornby Island (specific location to be determined and publicly advertised)

Mail ballot voting:

The CVRD will conduct mail ballot voting 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):

- (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 on or about March 30, 2015. To be counted, your mail ballot must be received by the chief election officer no later than 8 pm on Saturday, April 18, 2015.

During a referendum (assent voting), role clarity is extremely important. The CVRD's corporate legislative officer is also named the chief election officer and conducts the voting procedures during the referendum. Attached to this report (appendix 'B') is a diagram that illustrates the roles of the chief election officer and his staff. Other stakeholders in this referendum are also identified on the diagram to assist with a common understanding on roles.

The CVRD's legislative services department and chief elections officer will conduct the legally required advertisements for this referendum. The CVRD website will also contain information about the referendum. The CVRD community services branch and Hornby Island fire hall renewal select committee may provide additional information on the project and referendum through direct mail to on and off island property owners and residents and through other measures as required.

Recommendations from the chief administrative officer:

THAT Bylaw No. 362 being "Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 362, 2015" be considered for three readings and submitted to the Inspector of Municipalities and the electors of the Hornby Island fire protection service for approval by way of a referendum (assent voting) to be held on April 18, 2015 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. 362 being "Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 362, 2015" 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 April 18, 2015:

"Are you in favour of the Comox Valley Regional District adopting Bylaw No. 362 being "Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 362, 2015" to enable the CVRD to borrow \$1,600,000 to construct a fire hall on Hornby Island?"

Respectfully:

D. Oakman

Debra Oakman, CMA
Chief Administrative Officer

Prepared by:

J. Warren

James Warren
Corporate Legislative Officer

Attachments: Appendix A – “Bylaw No. 362 being the “Hornby Island Fire Protection Service (Fire Hall Construction) Loan Authorization Bylaw No. 362, 2015
Appendix B – “diagram illustrating the various roles during a referendum”

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 362

A bylaw to authorize the borrowing of one million six hundred thousand dollars (\$1,600,000) for a fire hall renewal and construction project in the Hornby Island fire protection service

WHEREAS Bylaw No. 2011 being “Hornby Island Fire Protection Local Service Establishment Bylaw No. 2011, 1998” was adopted for the purposes of fire prevention, fire suppression and providing emergency response on Hornby Island (the “service”);

AND WHEREAS the board desires to borrow one million six hundred thousand dollars (\$1,600,000) for the purpose of a fire hall renewal and construction project on Hornby Island;

AND WHEREAS under section 819 of the *Local Government Act* 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 Hornby Island fire protection service is required pursuant to section 823.1 of the *Local Government Act* and was obtained pursuant to section 801.2 of the *Local Government Act* (assent of the electors conducted April 18, 2015);

AND WHEREAS the maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 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 on Hornby Island a fire hall for the purpose of the service 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 regional district, a sum not exceeding one million six hundred thousand dollars (\$1,600,000); 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 Hornby Island fire hall construction project.

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 20 years.

COMOX VALLEY REGIONAL DISTRICT: This graphic demonstrates the chief election officer’s role during a referendum (assent voting), which is to administer the vote, ensure legislative requirements, be neutral and not promote the “YES” or “NO” side.



The chief election officer’s role is legislated by Parts 3 and 4 of Local Government Act

Chief Election Officer

- Administers elections / referenda / assent processes
- Legal newspaper ads
- Even handed
- Protect integrity of the process
- Election official oaths

Other parties roles during a referendum are regulated in part by the Local Government Act and Local Elections Campaign Financing Act (LECFA) but may also promote the “YES” or “NO” side and are not required to be neutral.

Elected Officials / Select Committee

- Factual information
- Newsletters, newspaper ads
- Open houses
- CVRD website to post information
- Use of social media

Individuals, public, residents associations, community groups, other stakeholders

- Newsletters, newspaper ads
- Open houses
- Use of social media
- Information not vetted by local government

People or organizations that advertise to promote the YES or NO side in a referendum must register with Elections BC as “assent voting advertising sponsors” (LECFA [SBC 2014])

CVRD Operations

- Factual information
- Newsletters, newspaper ads
- Open houses
- CVRD website to post information
- Use of social media

