


# Report

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Date	March 18, 2020	File:
To	Committee of the Whole	
From	Michelle Martineau, Manager of Legislative Services	Endorsed: 
Subject	RCMP Facility Loan Authorization Bylaw Elector Approval Process	

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## Purpose

To provide an overview on the Alternative Approval Process (AAP) to be undertaken with the intention of seeking elector approval to allow for the adoption of a loan authorization bylaw to finance the construction of a new North Cowichan/Duncan RCMP Detachment.

## Background

In March 2019 Council agreed in principle to proceed with plans for a new integrated detachment on its property located at Ford Road and Drinkwater Road for Municipal and Provincial police and staff. Further discussion regarding the construction of the new detachment took place on July 17, 2019, where Council resolved to proceed with an Alternative Approval Process (AAP) to seek elector assent to borrow the funds needed for the new RCMP detachment and to proceed with the communications plan presented.

The public participation goal presented at that meeting was to inform the public about the new facility and provide them with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions. The following actions were identified in the communication plan, at an estimated cost of \$5,000:

1. *Webpage* that contains key information about the process, why a new facility is needed, financial implications, and policing statistics.
2. *Mail-out pamphlet* to every North Cowichan household in advance of elector assent notice which focuses on the why a new facility is needed, financial implications, and policing statistics, developed jointly with the RCMP.
3. *Short animated video* to capture key points from the pamphlet.
4. *Limited number of media tours* of the existing detachments, organized jointly with the RCMP
5. *News releases* at every milestone/decision stage through the project.

## Discussion

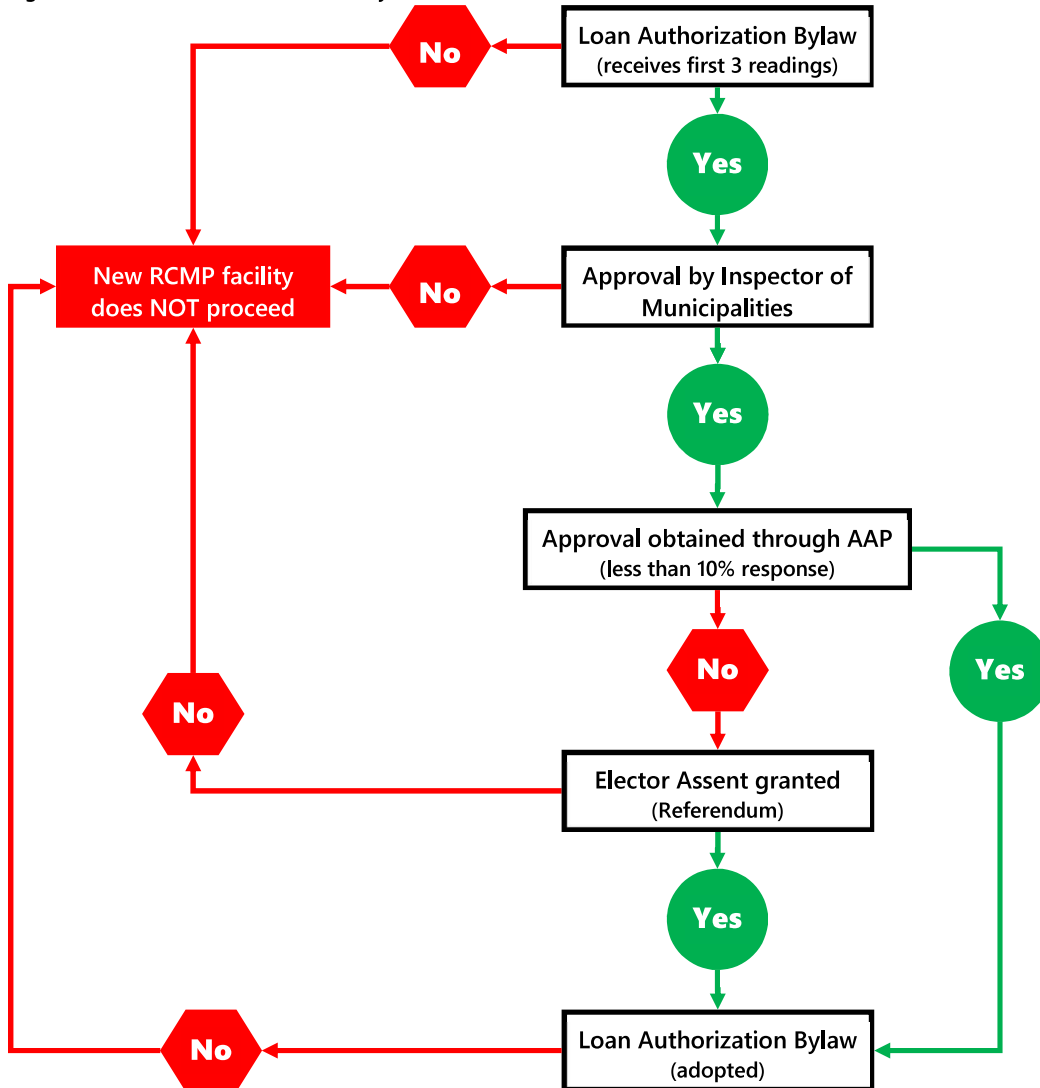
### What is an Alternative Approval Process (AAP)?

It is a form of approval that allows electors to indicate whether they are against a local government proposal moving forward. Formerly known as a "counter petition," it requires 10% or more of the eligible electors sign and submit response forms in order for the municipality to be mandated to proceed to assent voting on the matter identified in the notice.

Assent voting (or referendum) allows electors to vote on whether a proposal would move forward or not. Assent of the electors is obtained if a majority of the votes counted are in favour of the bylaw.

Figure 1, below, illustrates the process for adopting a Loan Authorization Bylaw for the proposed new RCMP facility from when the bylaw receives first three readings, through the AAP, assent voting (if required), and finally through to adoption or defeat of the bylaw.

Figure 1: AAP for Loan Authorization Bylaw



#### What happens before the AAP is initiated?

The Loan Authorization Bylaw is drafted and presented to Council for first three readings. The bylaw is then forwarded to the Inspector of Municipalities for approval prior to initiating the AAP. The municipality may provide general information to electors about the initiative during this time but cannot publish the two required AAP notices until after the Inspector approval has been granted.

Once approval by the Inspector is granted, a resolution of Council must be adopted acknowledging that the Loan Authorization Bylaw has received first three readings. The Bylaw identifies the maximum loan amount, how long the loan will take to be repaid; that an AAP will be undertaken to determine the opinion of the electors in regard to the new North Cowichan/Duncan RCMP detachment; and

establishes the number of days for submitting and receiving elector response forms, which must be at least 30 days after the second notice is published. A copy of the notice, information sheet, response forms, and a summary of how the estimated number of eligible electors was calculated will accompany the report to Council at that time. Table 1, below, illustrates the proposed timeline for the AAP and adoption (or defeat) of the Loan Authorization Bylaw for the North Cowichan/Duncan RCMP detachment.

Table 1: Timelines

Description		April	May	June	July
<b>Regular Council meeting:</b> to give bylaw first 3 readings	Apr. 1				
Approval by Inspector of Municipalities	Apr-May				
<b>Regular Council meeting:</b> Authorization to proceed with AAP	May 6				
Initiate AAP (report to Council)	May 7-Jun 22				
Update website	May 4-15				
Publish first notice in newspaper and post to notice board and website	May 11-15				
Publish second notice in newspaper and post to notice board & website	May 18-20				
Issue media releases at each milestone	Dates TBD				
Mail information pamphlets out to all households prior to first notice	Mar 30 – Apr 30				
Prepare short video to capture key info from pamphlet and share	May/June				
Participate in radio interviews	Dates TBC				
Conduct media and community group tours of existing detachment	May to June				
Deadline for response to AAP (at least 30 days after 2 <sup>nd</sup> notice)	Jun 22				
<b>Optional:</b> Special Council meeting to consider adoption of bylaw	Jun 29				
<b>Regular Council meeting:</b> to consider adoption of bylaw or referendum	Jul 15				

Note: Cells shaded in **red** indicate Council meeting dates, **orange** for ministry approval, **blue** for AAP period, **yellow** for statutory notices, and **purple** for public communication/engagement.

### How is the number of Electors estimated?

The *Community Charter* requires that Council make a fair determination of the total number of eligible electors to form the basis of the AAP 10% threshold. There are a number of resources that staff can draw upon to help estimate the number of eligible electors, which include the provincial voters list, municipal utility records or property tax notices, BC Stats, BC Assessment, or Elections Canada. That estimate is then adjusted to account for people who may have moved into or out of the province within the last 6 months, for people that have moved into or out of the community within the last 30 days, individuals who are not Canadian citizens, and those who would be under 18 years of age.

### Who is eligible to participate in the AAP?

Any individual who qualifies as a resident elector or non-resident property elector within the municipal boundaries can participate.

- *To qualify as a resident elector*, the individual must be a Canadian citizen, at least 18 years of age, have resided in British Columbia for at least 6 months, and have resided in the District of North Cowichan for at least 30 days.
- *To qualify as a non-resident property elector*, the individual must be a Canadian citizen, at least 18 years of age, have resided in British Columbia for at least 6 months and owned property within the District of North Cowichan for at least 30 days. Properties that are owned by corporations are not eligible to be registered as an elector.

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### **What happens during the AAP?**

A notice advising the public of the AAP will be published in at least one addition of the Cowichan Valley Citizen in two consecutive weeks (i.e. first notice to be published during the week of May 11<sup>th</sup> and the second notice to be published between May 18<sup>th</sup> and 20<sup>th</sup>). Electors who oppose the Loan Authorization Bylaw will be required to complete an Elector Response Form and submit it to the District of North Cowichan by the date and time identified in the notice. Eligible electors will have at least 30 days following the second notice to submit their completed response form if they oppose adoption of the Loan Authorization Bylaw. Once the AAP has begun, the process must be completed, regardless if Council were to decide to proceed to assent voting.

### **What happens if MORE than 10% respond?**

If more than 10% of the eligible electors submit a completed signed Elector Response Form by the deadline, Council will have two choices; they may proceed to assent voting within 80 days or they may put the matter on hold and consider alternatives to the proposed action. If a majority of the votes counted as valid are in favour of the Loan Authorization Bylaw, Council may proceed with adoption of the bylaw.

### **What happens if LESS than 10% respond?**

If less than 10% of the eligible electors submit a completed signed Elector Response Form by the deadline, Council may proceed with adoption of the bylaw.

### **Options**

1. For staff to continue on to the next step in the process, as directed by Council on July 19, 2019 and subsequent discussions, and prepare the loan authorization bylaw for consideration of first three readings at the April 1, 2020 regular meeting.
2. Refer the matter back to staff or a future Committee of the Whole for further consideration.

### **Implications**

In addition to the implications outlined in the July 17, 2019 report to Council (see attachment 1), how the municipality shares the information in relation to the Loan Authorization Bylaw with the public will be very important in ensuring that a fair and transparent process has been followed. It is important that "what we share" and "how we share that information" is seen as information-sharing and not as promotion by Council or staff of a particular viewpoint on the matter. The municipality's role is to provide accurate and balanced information about the initiative so that eligible electors can make an informed decision about whether or not to sign a response form.

If the response to the AAP exceeds the 10% threshold, Council will be required to obtain assent from the electors before proceeding any further. This would have significant financial and staff resource impacts as the approximate cost of holding a referendum is \$60,000, and with the *Local Government Act's* requirement for the referendum's general voting day to occur within 80 days of close of AAP (i.e. on or before September 5<sup>th</sup> if the AAP closed on June 22, 2020) some of the projects identified in the Operational Strategic Plan and Corporate Services Business Plan, as they relate to Legislative Services, may need to be deferred.

## **Recommendation**

Staff is recommending option 1, which is to continue moving forward with the project as previously directed by Council. A resolution is not required unless Council decides to change the any of the actions identified in the communications plan or move directly to assent voting over the AAP.

### Attachment(s):

1. 2019-07-17 Report to Council from the General Manager of Financial & Protective Services