

Report

Date: June 3, 2020
 To: Council
 From: Michelle Martineau, Manager, Legislative Services
 Subject: Commencement of Alternative Approval Process (AAP) for the RCMP Facility
 File:
 Endorsed: 

Purpose

For Council to give direction to the Corporate Officer to commence the Alternative Approval Process (AAP) on the long-term borrowing for the construction of a new Integrated RCMP Facility located on the corner of Drinkwater and Ford Roads.

Background

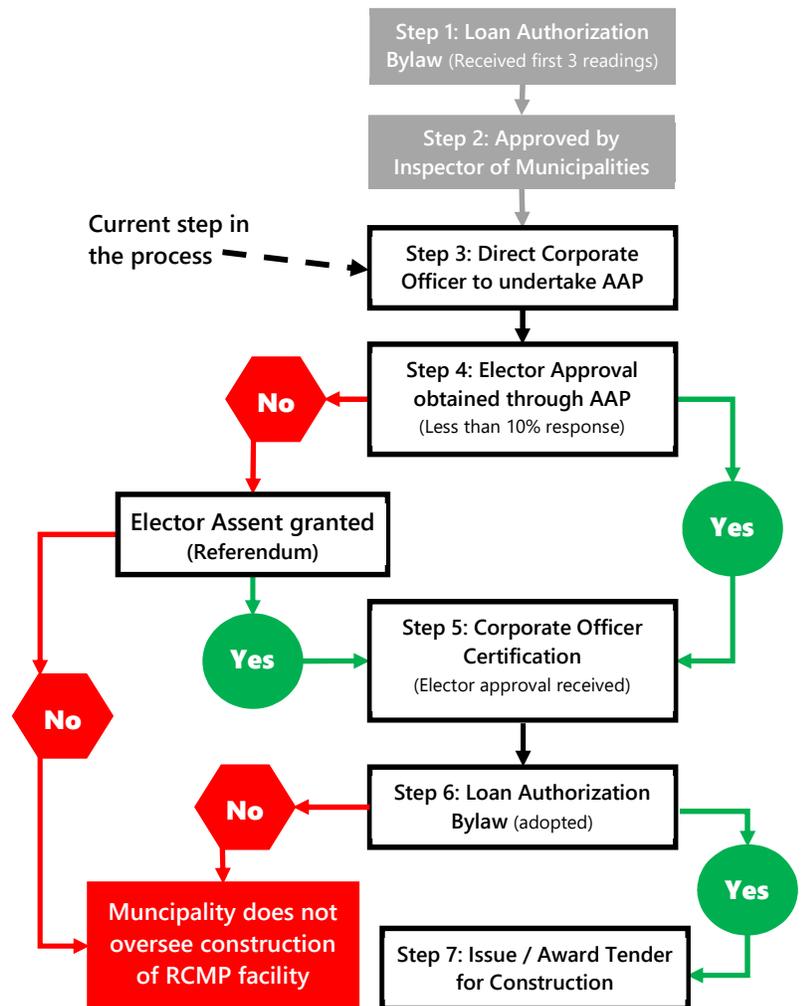
On April 29, 2020, Council gave three readings to the "North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020" (see Attachment 1) and directed staff to forward the bylaw to the Ministry of Municipal Affairs and Housing, Governance and Structure Branch (the Ministry) for provincial staff review and approval by the Inspector of Municipalities. All documentation listed in the April 29, 2020 staff report (see Attachment 2) was forwarded to the provincial government along with a copy of the Liability Servicing Limit Certificate prepared by the Financial Officer (see Attachment 3).

Following completion of provincial staff's review of the documentation for legislative compliance and financial viability, the Inspector of Municipalities gave his final approval on May 20, 2020 and issued a statutory approval certificate (see Attachment 4), which was received by email on May 22, 2020.

Discussion

As required under section 86(3) of the *Community Charter*, Council must (1) establish the deadline for receiving Elector Response Forms, (2) approve the Elector Response Form, and (3) make a fair determination as to the total number of

Figure 1: AAP for Loan Authorization Bylaw Process Steps



electors to which the AAP applies (see Attachment 5).

(1) Establish the deadline for receiving Elector Response Forms:

The deadline for receiving Elector Response Forms must be established by Council, and must be at least 30 days after the second publication of the notice (see Attachment 7 for a copy of the draft notice to be published in the June 4th newspapers). Sections 25 to 25.5 of the *Interpretation Act* stipulate how the deadline for the AAP is to be determined, therefore, following the second publication of the notice on June 11, 2020, **the earliest the deadline that could be established is July 14, 2020.**

June							July								
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday		
	1	2	Council Meeting Authorization for commencement of AAP	3	4	5	6				1	2	3	4	
				First Notice published, forms made available				5	6	7	8	9	10	11	
7	8	9		10	11	12	13								
				Second Notice is published	30-day response period begins										
14	15	16	Council Meeting	17	18	19	20			14	Council Meeting	15	16	17	18
										Deadline to submit elector response forms	Earliest day to certify results				
21	22	23		24	25	26	27					22	23	24	25
28	29	30										29	30	31	

(2) Elector Response Form

In accordance with section 86(3)(b) of the *Community Charter*, Council must establish elector an response form.

The elector response form (see Attachment 6) must contain sufficient information to ensure that the person signing is an eligible elector entitled to participate in the AAP; a clear description about the nature of the proposal so that electors understand enough about the matter to make an informed response; and clearly state that if at least 10% of the eligible electors within the area defined in the AAP submit responses, that Council *may not proceed* with the matter *unless* elector approval is obtained by assent voting (i.e. referendum).

Council has previously directed staff to provide a (mail drop) brochure to each household with information on the APP and a copy of the elector response form.

(3) Determine the number of eligible electors

As the area defined for this AAP includes the entire municipality, every eligible resident elector and non-resident property elector can sign their name to an elector response form (see Attachments 6 and 7 for details on elector eligibility).

The estimated total number of eligible electors for this AAP is 26,916, therefore if more than 10% (2,692) respond, Council must proceed to assent voting or referendum (see Attachment 5 which explains how the population figure was determined).

(4) Statutory Notice of the AAP

The statutory notice for the AAP must be published in accordance with section 94 of the *Community Charter* and must include (see Attachment 7 for a copy of the draft notice to be published on June 4th and June 11th):

- a general description of the proposed bylaw, agreement or other matter;
- the area to which the approval applies;
- the deadline for elector response forms to be received;
- a statement that Council may proceed with the matter unless 10 percent of the electors in the area indicate that Council must obtain assent of the electors before proceeding;
- a statement that elector responses must be in the form established by Council, they are available at the municipal hall, and only electors of the area to which approval applies are entitled to sign the forms; and
- the number of response forms required to meet the 10 percent threshold.

Table 1: RCMP AAP Revised Timelines based upon Response Period beginning on June 12, 2020

Description		April	May	June	July
Special Council meeting: to give bylaw first 3 readings	Apr 29				
Approval by Inspector of Municipalities	May 20				
Regular Council meeting: Authorization to proceed with AAP	Jun 3				
Commence AAP	Jun 3-Jul 14				
Update website	Jun 1 (ongoing)				
Publish 1 st notice in newspaper and post to notice board & website	Jun 4				
Publish 2 nd notice in newspaper and post to notice board & website	Jun 11				
Issue media releases at each milestone	Dates TBD				
Mail information pamphlets out to all households prior to 2 nd notice	Jun 5 – Jun 11				
Short video to capture key info from pamphlet and share	May 29 – Jun 11				
Deadline for response to AAP (at least 30 days after 2 nd notice)	Jul 14				
Regular Council meeting: to consider adoption of bylaw	Jul 15				

(5) Determining the Result of the AAP

The Corporate Officer must determine, on the basis of the elector response forms received by the deadline, whether the form was signed by an eligible elector and ensure that the elector signed only one form during the AAP, and must certify whether elector approval was received.

Implications

If more than 2,692 (10%) of the electors submit a response form before the deadline, the matter must proceed to assent voting no later than 80 days after the deadline.

Recommendation

That Council direct the Corporate Officer to undertake an alternative approval process to determine the opinion of the electors with regard to the "North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020" which proposes to bring together the North Cowichan/Duncan Detachment, Forensic Identification Services, South Island Traffic Services, and Indigenous Policing and a debenture not to exceed \$48,000,000 be obtained to finance the new facility; and that the 30-day notice period, commencing on June 12, 2020 and ending on July 14, 2020, for submitting and receiving elector response forms, is established;

And That Council has determined that the total number of eligible electors for the alternative approval process for the Bylaw No. 3787 is 26,916, and that approval of the electors is obtained if elector responses received are less than ten (10) percent (2,692) of the total number of eligible electors;

And Further That Council establish that the Elector Response Form, as attached to the Manager of Legislative Services report dated June 3, 2020, be available at the Municipal Hall and online from June 4, 2020 to July 14, 2020.

Attachment(s):

1. Loan Authorization Bylaw No. 3787
2. 2020-04-29 Staff Report
3. Liability Servicing Limit Certificate
4. Inspector of Municipalities Statutory Approval Certificate
5. Report for Determining Number of Eligible Electors
6. Elector Response Form (RCMP Building)
7. Statutory Notice - AAP (RCMP Building)