


Report

Date	July 15, 2020	File:
To	Council	
From	Michelle Martineau, Manager of Legislative Services	Endorsed: 
Subject	RCMP Loan Authorization Bylaw No. 3787, 2020 and RCMP AAP Elector Response Results Certificate	

Purpose

To provide Council with the results of the alternative approval process that was conducted to obtain the approval of the electors for North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020 and consider adoption of Bylaw No. 3787 (if approval was obtained).

Background

Loan Authorization Bylaw

In accordance with section 180 of the *Community Charter*, a loan authorization bylaw may only be adopted with the approval of the electors, which may be obtained either by assent of the electors (referendum) or approval of the electors by alternative approval process (AAP). If less than 10% (2,962) of eligible electors respond to the AAP prior to the deadline, Council may consider adoption of Bylaw No. 3787. If approval is not obtained, Council must proceed to assent voting prior to considering adoption of Bylaw No. 3787. The AAP was selected by Council on April 15, 2020 as the method for obtaining approval of the electors.

On April 29, 2020 Council gave first three readings to North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020 and directed staff to forward the bylaw and supplemental documentation for review and approval by the Inspector of Municipalities. The Inspector of Municipalities gave his final approval and issued a statutory approval certificate on May 20, 2020.

Alternative Approval Process (AAP)

On June 3, 2020 Council (1) directed the Corporate Officer to undertake an AAP to determine the opinion of the electors with regard to Bylaw No. 3787; (2) established a 30-day notice period commencing on June 12, 2020 and ending on July 14, 2020 for submitting and receiving Elector Response Forms and that a single Elector Response Form be used and made available at the Municipal Hall; and (3) determined that the total number of eligible electors for the AAP to be 26,916.

Under section 86 of the *Community Charter*, approval of the electors is obtained for Bylaw No. 3787 if:

- the notice for the AAP was posted in North Cowichan's **public posting places on July 4, 2020**, and was published in the **June 4th and 11th editions of the Cowichan Valley Citizen**;
- a **deadline of 4:00 p.m. on July 14, 2020** to receive Elector Response Forms was established (must be at least 30 days after the second publication of the notice), the type of response form was

established was a **single elector response** which was available at the Municipal Hall, and it was determined that the **total number of eligible electors was 26,916**;

- and if at the end of the response period, less than 10% (2,962) of the total number of eligible electors have responded.

AAP Informational Brochure & Social Media

In addition to the legislative requirements under the *Community Charter* to provide public notice, North Cowichan produced a short video on the history of the RCMP facility, including proposed service integrations for the new facility, which was advertised on the municipal website, Facebook and Twitter.

To be as open and transparent as possible on this process, given the current situation in relation to the COVID-19 pandemic, North Cowichan created an informational brochure, which included a copy of the Elector Response Form, for delivery to all households within the municipality and to property owners residing elsewhere in British Columbia. Although we used our best efforts to deliver the brochure to every household through Canada Post, we were unsuccessful in doing so. Households that had opted out of receiving unaddressed material, through Canada Post, did not receive a copy of the brochure directly through the mail.

AAP Response Submission Process

Elector Response Forms must be submitted to the local government Corporate Officers within the timeframe [June 12, 2020 to July 14, 2020] established for the AAP. Responses were accepted in person, through the municipal drop box, by fax, mail or email. They must be signed and received before the established deadline to be counted. Mailed in forms date-stamped by Canada Post before the deadline and received after the AAP deadline has passed cannot be counted. Unlike casting a vote during an election or assent voting, an eligible elector who wishes to withdraw their objection may do so prior to the AAP deadline. As Elector Response Forms were received, the Corporate Officers verify the submissions were valid and kept a running total to minimize the time needed to certify the results following the submission deadline.

Determining the Results 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. Once the results are certified by the Corporate Officer, that determination is final and conclusive.

After the AAP

Council may proceed with adoption of the Bylaw No. 3787 if less than 10% of eligible electors signed and submitted the Elector Response Forms by the AAP deadline. However, Council may also choose to conduct assent voting even when the number of verified responses is under the 10% threshold as a close result in an AAP (i.e. 8% to 10% of eligible electors submit response forms) can indicate a significant level of public interest, and assent voting can offer citizens a greater certainty around Council's decision.

Discussion

North Cowichan exceeded the statutory requirements for making the Elector Response Form available to the public, as the *Community Charter* only requires that the form be made available to electors at the Municipal Hall.

As indicated by the attached Certificate of Insufficiency, approval of the electors under the *Community Charter* has been obtained for Bylaw No. 3787. Accordingly Council may adopt the Bylaw.

Implications

With all of the discussions on the AAP, whether in-person at the Municipal Hall, by telephone, or online through social media, the public was aware of the process underway and had the opportunity to submit an Elector Response Form if they were opposed.

The loan authorization bylaw has critical timelines related to seasonal construction and timelines associated with the long-term borrowing through the Municipal Financing Authority (MFA).

Recommendation

That Council adopts North Cowichan / Duncan Integrated RCMP Facility Loan Authorization Bylaw No. 3787, 2020.

Attachment(s):

- Certificate of Insufficiency
- Bylaw No. 3787, 2020