

DATE OF MEETING | FEBRUARY 19, 2018 |

AUTHORED BY | SHEILA GURRIE, CORPORATE OFFICER

**SUBJECT | ALTERNATIVE APPROVAL PROCESS – “FIRE STATION #1
BORROWING BYLAW 2018 NO. 7257”**

OVERVIEW

Purpose of Report

To obtain Council approval to proceed with an Alternative Approval Process for the borrowing of \$17,000,000 for reconstruction of Fire Hall No.1. |

Recommendation

That Council:

1. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 68,418;
2. establish a deadline of 4:30 p.m. on Friday, 2018-MAY-04 for receiving elector responses for the Alternative Approval Process in relation to “Fire Station #1 Borrowing Bylaw 2018 No. 7257”; and,
3. approve the Elector Response Form as attached to the Staff report.

BACKGROUND

Council approval is being sought to undertake an Alternative Approval Process that, if elector assent is received, would permit Council to adopt Fire Station #1 Borrowing Bylaw 2018 No. 7257” to authorize Council to borrow up to \$17,000,000 for the reconstruction of Fire Station Number 1.

In order to proceed, Council is required to have approval of the electors prior to bylaw adoption in accordance with the *Community Charter*. Approval of the electors may be received by way of an Alternative Approval Process (AAP), or assent voting (referendum). Approval is obtained and Council may proceed with bylaw adoption, if less than 10% of the electors oppose the proposal by submitting a valid elector response form.

An AAP process involves:

- Fair Determination of the Number of Electors (calculation provided below): Council approval is required.
- Approval of Elector Response Form (attached): Council approval is required.

- “Fire Station #1 Borrowing Bylaw 2018 No. 7257” (To authorize the borrowing of up to \$17,000,000 for the reconstruction of Fire Station Number 1 (“Fire Station #1”): Bylaw readings must be passed by a Council majority prior to requesting Inspector approval.
- Bylaw Submission to the Ministry of Community, Sport and Cultural Development: Should Council adopt the above recommendations and give three readings to “Fire Station #1 Borrowing Bylaw 2018 No. 7257”, staff will forward the bylaw to the Ministry of Community, Sport and Cultural Development for approval of the Inspector of Municipalities.
- Public Notice: Notification in a local newspaper is mandatory and takes place after Inspector approval is received. It is estimated that Inspector approval will be received in one month. The notice could appear in the Thursday, 2018-MAR-29 and Tuesday, 2018-APR-03 editions of the Nanaimo News Bulletin. The notice will also be posted to the City’s website and at City Hall.
- Elector Response Form Submission Period: Council must establish the deadline for receiving elector responses, a minimum of 30 days after the second publication of the notice in the newspaper. Friday, 2018-MAY-04 is just over 30 days, and also provides the opportunity to meet the agenda deadline for the May 14th Committee of the Whole Meeting which will be changed to a Special Council Meeting.
- Determination and Certification of Elector Approval Responses (10% threshold): The Corporate Officer must determine and certify the number of valid Elector Response Forms received by the deadline, and whether electoral approval has been obtained. A report to Council will follow, likely at the May 14, 2018 meeting.
- Council Decision on Next Steps: Elector approval is deemed to have been obtained if less than 6,842 valid Elector Response Forms in opposition to Bylaw No. 7257 are received prior to 4:30 p.m. on Friday, 2018-MAY-04. Council would then be able to consider bylaw adoption. Should 6,842 or more opposition responses be submitted, Council could only move forward with the project through a successful referendum (assent voting).

Fair Determination of the Total Number of Electors

Section 86(3) of the *Community Charter* requires that a fair determination be made of the total number of electors within the City of Nanaimo, which forms the basis of the 10% threshold. It was determined that there are 68,418 electors as follows:

- 67,354 electors on the City of Nanaimo voter’s list for the 2017 By-Election;
- 101 new elector registrations for the 2017 By-Election;
- 802 new electors since the by-election (approx. 8 months), based on a 1.8% population increase per year according to census data;
- 143 registered non-resident property electors in the 2017 By-Election;
- Therefore, the fair determination of electors is 68,418. |

OPTIONS

1. That Council:
 1. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 68,418;
 2. establish a deadline of 4:30 p.m. on Friday, 2018-MAY-04 for receiving elector responses for the Alternative Approval Process in relation to “Fire Station #1 Borrowing Bylaw 2018 No. 7257”; and,
 3. approve the Elector Response Form as attached to the Staff report.
 - **Budget Implication:**
 - **Legal Implication:** AAP legislation is defined by the *Community Charter*.
2. Not move forward with the Alternative Approval Process. Council may wish to not pursue this matter.
3. Move Forward through an Assent Voting Process – “Assent Voting” is often referred to as a Referendum. Council is not obligated to conduct an AAP, and instead could proceed to an Assent Voting process.
 - **Budget Implication:** The costs and staff resources associated with Assent Voting are significant and similar to a general election. |

SUMMARY POINTS

- Council is being asked to proceed with an Alternative Approval Process in relation to the costs associated with reconstructing Fire Hall No. 1.
- An alternative approval process may be undertaken by Council in order to move forward with approval of the bylaw.
- Should Council move forward with the Alternative Approval Process, there will be opportunity for electors opposed to the proposal to submit an Elector Response Form.
- Elector approval is deemed to have been obtained if less than 6,842 valid Elector Response Forms in opposition to Bylaw No. 7257 are received prior to 4:30 p.m. on Friday, May 4, 2018. |

ATTACHMENTS

Attachment A – AAP Elector Response Form |

Submitted by:

Sheila Gurrie,
Corporate Officer



**ALTERNATIVE APPROVAL
PROCESS
ELECTOR RESPONSE FORM**

**“FIRE STATION #1 BORROWING BYLAW 2018 NO. 7257”
(To authorize the borrowing of \$17,000,000
for the reconstruction of Fire Station Number 1 [“Fire Station #1]).**

Pursuant to the Community Charter, I certify that:

- *I am a person entitled to be registered as an elector (pursuant to the Local Government Act) within the City of Nanaimo,*
- *I have not previously signed an Elector Response Form with respect to this Bylaw; and*
- *I am **OPPOSED** to the adoption of “FIRE STATION #1 BORROWING BYLAW 2018 NO. 7257”, (To authorize the borrowing of up to \$17,000,000 for the reconstruction of Fire Station Number 1 [“Fire Station #1]), without first obtaining the assent of the electors in a voting proceeding (referendum).*

NAME OF ELECTOR: _____
(Please Print Full Name)

ELECTOR'S STREET ADDRESS: _____

SIGNATURE OF ELECTOR: _____

DATE: _____

To be completed by Non-Resident Property Electors only
I am entitled to register as a non-resident property elector as an owner of the property legally described as: _____

For this elector response form to be counted, it must be submitted in person or by mail to be received by the Corporate Officer, Legislative Services Department **NO LATER THAN 4:30 P.M. ON 2018-MAY-04.**

Postmarks **WILL NOT** be accepted as date of submission. **ORIGINAL SIGNATURES ARE REQUIRED SO THE ELECTOR RESPONSE FORMS MAY NOT BE RETURNED BY EMAIL OR BY FAX.**

Approval of the electors by alternate approval process is obtained if less than 6,842 elector responses are received by the stated deadline.

Legislative Services Department
455 Wallace Street, Nanaimo, BC V9R 5J6
Phone (250) 755-4405

Office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding statutory holidays.

“Freedom of Information and Protection of Privacy Act (FOIPPA) Information collected on this form is done so under the general authority of the Community Charter and FOIPPA, and is protected in accordance with FOIPPA. Personal information will only be used by authorized staff to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose.”

INFORMATION REGARDING QUALIFICATIONS FOR ELECTORS

Resident electors:

- age 18 or older;
- a Canadian citizen;
- a resident of British Columbia for at least 6 months;
- a resident of the City of Nanaimo for at least 30 days; and
- not disqualified by any enactment from voting in an election or otherwise disqualified by law.

Non-resident property electors:

- not entitled to register as a resident elector in the City of Nanaimo;
- age 18 or older;
- a Canadian citizen;
- a resident of British Columbia for at least 6 months;
- a registered owner of real property in the City of Nanaimo for at least 30 days;
- the only persons who are registered owners of the real property, either as joint tenants or tenants in common are individuals who are not holding the property in trust for a corporation or another trust;
- not disqualified by any enactment from voting in an election or otherwise disqualified by law;
- **if there is more than one registered owner of the property (either as joint tenants or tenants in common), only one of those individuals may, with the written consent of the majority of the owners, register as a non-resident property elector; and**
- **a person may only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.**

NOTE: No corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.

An accurate copy of this elector response form may be utilized (either single-sided or double-sided), provided that it is made of the form prior to any electors signing such form, so that only elector response forms with original signatures are submitted.