

## Notice of Meeting and Meeting Agenda Transportation Select Committee

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Wednesday, October 5, 2016

10:30 AM

6th Floor Boardroom

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DIRECTORS: S. Brice (Chair), M. Tait (Vice Chair), C. Hamilton, B. Isitt, W. McIntyre,  
S. Price, D. Screech, L. Seaton, G. Young, B. Desjardins (Board Chair, ex officio)

### 1. Approval of Agenda

### 2. Adoption of Minutes

#### 2.1. [16-959](#) Approval of the Minutes of June 22, 2016

**Recommendation:** That the June 22, 2016, minutes of the Transportation Select Committee be adopted.

**Attachments:** [2016-06-22 Minutes Transportation Select Committee](#)

### 3. Chair's Remarks

### 4. Presentations/Delegations

### 5. Committee Business

#### 5.1. [16-902](#) Options for Obtaining Assent of the Electors for Transportation Service Bylaw

**Recommendation:** That the Transportation Select Committee recommends to the Capital Regional District Board:

- a) That the report titled Options for Obtaining Electoral Assent for Transportation Service Bylaw be received for information;
- b) That local government engagement on the proposed Transportation Service be undertaken;
- c) That staff be directed to prepare a summary of municipal council and Electoral Area Services Committee input into the proposed Transportation Service and report back to the Transportation Select Committee; and
- d) That staff be directed to, following completion of municipal council and Electoral Area Services Committee engagement, prepare a report recommending the electoral assent option to be pursued prior to advancing the Transportation Service Bylaw to the CRD Board.

**Attachments:** [Staff Report: Opt'ns 4 Obtain Assent of Electors-Transport'n Sve Bylaw](#)

### 6. New Business

### 7. Adjournment

To ensure quorum, please advise [nmore@crd.bc.ca](mailto:nmore@crd.bc.ca) if you or your alternate CANNOT attend.

**Meeting Minutes**  
**Transportation Select Committee**

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Wednesday, June 22, 2016

3:30 PM

6th Floor Boardroom

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PRESENT

DIRECTORS: S. Brice (Chair), R. Kasper (Vice Chair), C. Hamilton, B. Isitt (3:36), D. Martin (for W. McIntyre), S. Price, D. Screech, L. Seaton, G. Young, B. Desjardins (Board Chair, ex-officio, 3:35)  
STAFF: R. Lapham, Chief Administrative Officer; K. Lorette, General Manager, Planning and Protective Services; S. Bagh, Senior Manager, Regional and Strategic Planning; J. Hicks, Senior Transportation Planner, Regional and Strategic Planning; M. Walton, Senior Manager, Regional Parks; N. More, Committee Clerk (Recorder)

The meeting was called to order at 3:30 p.m.

**1. Approval of Agenda**

**MOVED by Director Price, SECONDED by Director Screech,  
That the agenda be approved as circulated.  
CARRIED**

**2. Adoption of Minutes**

- 2.1. [16-740](#) Approval of the March 2, 2016, Minutes of the Transportation Select Committee

**MOVED by Director Price, SECONDED by Director Screech,  
That the minutes of the March 2, 2016, meeting of the Transportation Select  
Committee be adopted.  
CARRIED**

**3. Chair's Remarks**

Chair Brice remarked that as the process advances, the options and obstacles will become better known. The CRD has agreed in principle to have a transportation service and now the consideration is how it will take shape.

**4. Presentations/Delegations**

There were none.

**5. Committee Business**

- 5.1. [16-554](#) Regional Trails - CRD Jurisdiction

**MOVED by Director Kasper, SECONDED by Director Screech,  
That the report "Regional Trails - CRD Jurisdiction" be received for information.  
CARRIED**

5.2. [16-747](#) Bylaw No. 4093 Regional Transportation Service Establishment Bylaw 2016

K. Lorette provided highlights of the report, and informed the Committee of a change to the third "Whereas" clause in the proposed Bylaw 4093, from "under section 345(1) of the Local Government Act", to "under Division 4 of Part 10 of the Local Government Act".

The Committee discussion included the following topics:

- funding and partnering in infrastructure projects
- coordination in planning
- ferry and bus links

On the motion, the committee discussed how to ensure each council fully understands the proposed bylaw and its implications.

**MOVED by Director Isitt, SECONDED by Director Screech,**

**That it be recommended to the Capital Regional District Board:**

- 1. That Bylaw No. 4093 "Regional Transportation Service Establishment Bylaw 2016" be introduced and read a first and second time, and read a third time; and**
- 2. That the Capital Regional District Transportation Service Funding Requisition Policy be approved for implementation upon adoption of Bylaw No. 4093; and**
- 3. That the Board direct staff to forward Bylaw No. 4093 "Regional Transportation Service Establishment Bylaw 2016" to the Inspector of Municipalities for approval.**

**CARRIED**

**OPPOSED Hamilton, Seaton**

5.3. [16-748](#) Transportation Service Committee Options

Chair Brice invited comment from staff on the timing of the item. K. Lorette responded that the report provides governance options on what could exist. Staff could report on an approval process for the Committee to discuss before the recommendation of 5.2 on the proposed Bylaw goes forward to the Board.

On the motion, the Committee briefly discussed criteria for transportation governance.

**MOVED by Director Kasper, SECONDED by Director Price,**

- 1. That a decision on item 5.3, Transportation Service Committee Options, be postponed until staff brings back a report on the approval process for the proposed Transportation Service Bylaw at the next meeting; and**
- 2. That the recommendation to the Board of item 5.2 only go forward after the next meeting.**

**CARRIED**

## 6. New Business

There was none.

## 7. Adjournment

**MOVED by Director Kasper, SECONDED by Director Isitt,**

**That the meeting be adjourned at 4:06 p.m.**

**CARRIED**

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**CHAIR**

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**RECORDER**

**REPORT TO TRANSPORTATION SELECT COMMITTEE  
MEETING OF WEDNESDAY, OCTOBER 5, 2016**

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**SUBJECT**     **Options for Obtaining Assent of the Electors for Transportation Service Bylaw**

**ISSUE**

Provision of information on options for obtaining legislatively required electoral assent prior to establishing a Transportation Service.

**BACKGROUND**

The Capital Regional District (CRD) Board has identified the creation of a Regional Transportation Service as a Board priority for 2015/16. The establishment of a Transportation Service aligns with the recommendations of the [Regional Transportation Plan](#) (RTP) and the [Transportation Service Feasibility Study](#). The RTP was created in collaboration with the CRD, local governments, Ministry of Transportation and Infrastructure and BC Transit. Stakeholder engagement across the region also provided substantial input to the RTP. The Transportation Service Feasibility Study indicated that the creation of a transportation service would provide the best means for achieving the actions identified in the RTP.

At its March 9, 2016 meeting, the CRD Board directed staff to draft a Transportation Service Bylaw that would seek the participation of all municipalities and electoral areas and provide the CRD with the potential to take on a broad range of additional transportation services including funding and partnering in infrastructure projects and grant applications, programing and electoral area transportation assistance; and to prepare a Board policy that would tie requisition increases to expansion of transportation functions and identify triggers for increased requisitions.

At its June 22, 2016 meeting the Transportation Select Committee (TSC) approved a motion to recommend to the Capital Regional District Board:

- a) *That Bylaw No. 4093 "Regional Transportation Service Establishment Bylaw 2016" be introduced and read a first and second time, and read a third time; and*
- b) *That the Capital Regional District Transportation Service Funding Requisition Policy be approved for implementation upon adoption of Bylaw No. 4093; and*
- c) *That the Board direct staff to forward Bylaw No. 4093 "Regional Transportation Service Establishment Bylaw 2016" to the Inspector of Municipalities for approval.*

On June 22, 2016 the TSC directed that the above recommendation not be advanced until after the next meeting of the TSC and that a decision on Transportation Service Committee options be postponed until staff have brought forward a report on the approval process for the proposed Transportation Service Bylaw.

**DISCUSSION**

Before the Regional Transportation Service Bylaw can be adopted, the *Local Government Act (LGA)* requires that the bylaw be approved through an assent of the electors process. The *Act* sets out three approval options for assent of the electors:

1. *LGA* Section 344: a region wide or area by area referendum.

2. *LGA Section 345*: a region-wide or participating area by participating area Alternate Approval Process (AAP). If more than 10% of registered voters object, a referendum would be triggered. Note that a *region*-wide AAP would require Board resolution and 2/3 majority board acceptance.
3. *LGA Section 346*: consent by each municipal council (consenting on behalf of electors) and AAP within the electoral area.

The bylaw presented to the TSC references assent options in general terms that allow for any of the three available options to be used.

It may be prudent to undertake Committee member led discussions with local governments prior to advancing the bylaw and determining the electoral assent process. While discussions with local governments would be an additional step outside of the legislative requirements, it would provide an avenue for local government input and could inform the Committee's recommendation regarding the proposed bylaw and the preferred assent option.

Waiting to give first and second reading of the Transportation Service Bylaw until after local government engagement has occurred and a preferred assent option identified would allow changes to the bylaw to be made in response to municipal input. While identifying the specific assent option in the bylaw is not legislatively required, it may assist in advancing the bylaw through the Inspector of Municipalities Office.

### **ALTERNATIVES**

That the Transportation Select Committee recommends to the Capital Regional District Board:

- 1) a) That this staff report be received for information;
  - b) That local government engagement on the proposed Transportation Service be undertaken;
  - c) That staff be directed to prepare a summary of municipal council and Electoral Area Services Committee input into the proposed Transportation Service and report back to the Transportation Select Committee; and
  - d) That staff be directed to, following completion of municipal council and Electoral Area Services Committee engagement, prepare a report recommending the assent of the electors option to be pursued prior to advancing the Transportation Service Bylaw to the CRD Board.
- 2) That this staff report be referred back to staff for further review based on Committee direction.

### **IMPLICATIONS**

#### **Procedural**

The Transportation Service Establishment Bylaw would likely be advanced most smoothly if there is engagement of local government partners prior to the bylaw being given initial readings and advanced through any assent of the electors process.

Participation of all municipalities and electoral areas is key to realizing the full potential of a Transportation Service. Colwood City Council has indicated that it objects to creation of a transportation service and at the June 22, 2016 Transportation Select Committee meeting there were two dissenting votes from Committee members regarding the motion to advance the service bylaw to the CRD Board. If all of the region's local governments are not on board with the service, then the full potential of the Transportation Service cannot be realized.

Alternative 1 would provide an opportunity to ascertain municipal interest in and support for the Transportation Service. Undertaking an engagement process that identifies transportation service priorities and desired roles for the CRD could allow the proposed service bylaw to be refined so as to maximize support in advance of seeking assent of the electors. An engagement process would allow the Committee to assess support and determine whether such is sufficient to merit bylaw advancement.

#### Resourcing

On June 22, 2016 the Transportation Select Committee Chair identified the need for transportation service champions to share the benefits of the service with partners and stakeholders.

Alternative 1 would involve elected officials highlighting the benefits of the Transportation Service to peers. Staff could support such efforts with the preparation of presentation material and attendance at local government meetings with committee members as required. Staff support can be provided within existing budgets.

#### Financial

Alternative 1 would not require any additional funds. Until a transportation service is established, the CRD would not be able to capitalize on funding partnerships for regional transportation priorities.

#### Timing

Completion of local government engagement and reporting back to the Committee (Alternative 1) would likely take approximately four months. In addition to the time required to complete any local government engagement, there would be a further six - nine month process involved to establish the bylaw.

#### Intergovernmental Implications

CRD staff has previously consulted with local government officials in the form of a Forum of Councils as part of the planning process for the Regional Transportation Plan (RTP). A key feature of the RTP was the creation of a regional transportation service. Prior to advancing the RTP for Board approval, CRD staff offered to present and meet with all local partner councils.

Conducting the local government engagement prior to the bylaw being advanced to the CRD Board will offer the potential for amendments to be made to the bylaw to reflect input. Following local government engagement, staff could report back to the Committee on input received and at that time the Committee may determine whether additional stakeholder and/or public input would be appropriate.

### **CONCLUSION**

Establishment of a regional transportation service requires assent of the electors under one of the processes set out in the *Local Government Act*. Undertaking a local government engagement process prior to finalizing the service bylaw and preferred assent process provides an opportunity to inform decision making and refine the proposed bylaw. Alternative 1 advances a Board priority for 2015/16.

**RECOMMENDATIONS**

That the Transportation Select Committee recommends to the Capital Regional District Board:

- a) That this staff report be received for information;
- b) That local government engagement on the proposed Transportation Service be undertaken;
- c) That staff be directed to prepare a summary of municipal council and Electoral Area Services Committee input into the proposed Transportation Service and report back to the Transportation Select Committee; and
- d) That staff be directed to, following completion of municipal council and Electoral Area Services Committee engagement, prepare a report recommending the assent of the electors option to be pursued prior to advancing the Transportation Service Bylaw to the CRD Board.

Submitted by:	John Hicks, MCIP, RPP, Senior Transportation Planner, Regional and Strategic Planning
Concurrence:	Signe Bagh, MCIP, RPP, Senior Manager Regional and Strategic Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning and Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

JH/SB:lc