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**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JULY 14, 2021**

SUBJECT AAP for Bylaw 4379 – Juan de Fuca Water Distribution Loan Authorization

ISSUE SUMMARY

To conduct an Alternative Approval Process for Bylaw No. 4379 by confirming the deadline to receive elector responses, establish the total number of electors, and approve the Notice of Alternative Approval Process and the Electoral Response Form.

BACKGROUND

At its meeting held October 14, 2020, the CRD Board gave three readings to the following bylaw attached as Appendix A:

- Bylaw No. 4379, “*Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020*” to authorize the borrowing of \$14,800,000 for the purpose of acquiring, designing and constructing water distribution facilities in the western communities of the Juan de Fuca Water Distribution Local Service Area.

The bylaw obtained Inspector of Municipalities approval on February 17, 2021. The next step prior to adopting the bylaw is to obtain elector assent. The CRD Board directed elector approval be obtained by way of an Alternative Approval Process (AAP) for all electors in the local service area.

In order to conduct the AAP, the attached Notice (Appendix B) and Elector Response Form (Appendix C) have been prepared in accordance with the applicable sections of the *Local Government Act* and the *Community Charter*. With an AAP, the Board may proceed with adopting the bylaw unless more than 10% of electors indicate that the Board must obtain the assent of the electors by way of assent voting (referendum). The proposed deadline to receive elector responses is August 30, 2021.

The total number of registered resident electors and registered non-resident property electors is determined to be 69,419, of which 10% is 6,942 electors.

ALTERNATIVES

Alternative 1

- 1) That in accordance with section 86(3) of the *Community Charter*, the date of August 30, 2021 be confirmed as the deadline by which electoral response, under the regional Alternative Approval Process for CRD Bylaw No. 4379, must be submitted to the Capital Regional District by the qualified electors of the Juan de Fuca Water Distribution Local Service Area;
- 2) That the attached Notice of Alternative Approval Process (Appendix B) and the Elector Response Form (Appendix C) be approved; and
- 3) That the total number of registered electors within the service area is 69,419 and that 10% of that number is 6,942 electors.

Alternative 2

That this report be referred back to staff for additional information.

CONCLUSION

The CRD Board has previously approved obtaining elector approval for an Alternative Approval Process for Bylaw No. 4379 to borrow up to \$14,800,000 for the purpose of acquiring, designing and constructing water distribution facilities in the western communities of the Juan de Fuca distribution system. To conduct the regional Alternative Approval Process, the Board has to confirm the deadline to receive elector responses, establish the number of electors, and approve the Notice of Alternative Approval Process and the Elector Response Form.

RECOMMENDATION

- 1) That in accordance with section 86(3) of the Community Charter, the date of August 30, 2021 be confirmed as the deadline by which electoral response, under the regional Alternative Approval Process for CRD Bylaw No. 4379, must be submitted to the Capital Regional District by the qualified electors of the Juan de Fuca Water Distribution Local Service Area;
- 2) That the attached Notice of Alternative Approval Process (Appendix B) and the Elector Response Form (Appendix C) be approved; and
- 3) That the total number of registered electors within the service area is 69,419 and that 10% of that number is 6,942 electors.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., General Manager, Integrated Water Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

- Appendix A: Bylaw No. 4379 at Third Reading
- Appendix B: Notice of Alternative Approval Process
- Appendix C: Elector Response Form

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4379

A BYLAW TO AUTHORIZE THE BORROWING OF FOURTEEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$14,800,000) FOR THE PURPOSE OF ACQUIRING, DESIGNING AND CONSTRUCTING WATER DISTRIBUTION FACILITIES IN THE WESTERN COMMUNITIES OF THE JUAN DE FUCA DISTRIBUTION

WHEREAS:

- A. Under Bylaw No. 2538, "Water Distribution Local Service Area Establishment Bylaw No. 1, 1997", as amended, the Capital Regional District established a local service for the purpose of distributing water in the Regional District;
- B. It is deemed desirable to fund works relating to the acquiring, designing and constructing water distribution facilities in the Western Communities of the Juan de Fuca distribution system, and the work shall include the planning, study, public consultation, site selection, design, land and material acquisition, construction, supply and installation of all material, equipment and components and all construction necessary for the preparation and works relating to the acquiring, designing and constructing water distribution facilities in the Western Communities of the Juan de Fuca distribution system;
- C. The estimated cost of acquiring land, designing and constructing the water works facilities including expenses incidental thereto, is the sum of Fourteen Million Eight Hundred Thousand Dollars (\$14,800,000);
- D. Pursuant to sections 345, 403, and 407 of the *Local Government Act*, required elector approval shall be obtained by alternative approval process, after which the bylaw will be referred to the Inspector of Municipalities for review and approval; and
- E. The financing is to be undertaken by the Municipal Finance Authority of British Columbia;

NOW THEREFORE the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the acquisition of land, planning, study, design and construction of buildings, plant, mains, dams, and other water works facilities and equipment herein before described and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Capital Regional District a sum not exceeding Fourteen Million Eight Hundred Thousand Dollars (\$14,800,000); and
 - b) to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the acquisition of land, planning, study, design and construction to add, replace,

upgrade water works facilities and all related ancillary works, studies and equipment deemed necessary in connection with construction of the said facilities.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 15 years.
3. This Bylaw may be cited as “Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020”.

READ A FIRST TIME THIS	14 th	day of	October	2020
READ A SECOND TIME THIS	14 th	day of	October	2020
READ A THIRD TIME THIS	14 th	day of	October	2020
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	17 th	day of	February	2021
APPROVED BY ALTERNATIVE APPROVAL PROCESS PER S.345 OF THE <i>LOCAL GOVERNMENT ACT</i> THIS	__th	day of		202_
ADOPTED THIS	__th	day of		202_

CHAIR

CORPORATE OFFICER



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NOTICE TO ELECTORS

WITHIN THE JUAN DE FUCA WATER DISTRIBUTION LOCAL SERVICE AREA

Alternative Approval Process for Bylaw No. 4379 – to authorize the borrowing of \$14,800,000 for acquiring, designing and constructing water distribution facilities in the western communities of the Juan de Fuca Water Distribution Local Service Area

Notice is hereby given that the Board of Directors of the Capital Regional District ("CRD") proposes to adopt Bylaw No. 4379, "*Juan de Fuca Water Distribution Facilities Loan Authorization Bylaw No. 5, 2020*" to authorize the borrowing of \$14,800,000 for the purpose of acquiring, designing and constructing water distribution facilities within the western communities of the Juan de Fuca Water Distribution Local Service Area.

Over the next five years the CRD will need up to \$14,800,000 to meet the cash requirements necessary to fund investments in the Juan de Fuca Water Distribution system infrastructure. The debt servicing costs will be recovered through the retail water rate over 15 years.

Take further notice that the CRD may proceed with Bylaw No. 4379 unless at least 6,942 electors within the Juan de Fuca Water Distribution Local Service Area indicate, by signing the elector response form, that the Board must obtain the assent of the electors by way of an assent vote (referendum) before proceeding to adopt Bylaw No. 4379.

The elector response must be in the form as established by the CRD and is available from the CRD on request or from the CRD website. The only persons entitled to sign elector response forms are electors of the area to which the alternative approval process opportunity applies. The Alternative Approval Process opportunity applies to electors within the Juan de Fuca Water Distribution Local Service Area which is comprised of the municipalities of Colwood, Metchosin, Sooke, View Royal, and the portion of Highlands, Langford, and the Juan de Fuca Electoral Area as set out in Bylaw No. 2538, in the Capital Regional District.

The deadline for submitting signed elector response forms, in relation to Bylaw No. 4379, to the CRD is **4:00 pm on Monday, August 30, 2021**. Forms must be received by the deadline to be counted.

The CRD has determined that the total number of electors within the service area is 69,419 and that 10% of that number or 6,942 electors must submit elector response forms to prevent the CRD from enacting Bylaw No. 4379 without the assent of the electors by referendum.

Questions regarding Bylaw No. 4379 may be directed to Ted Robbins, General Manager, Integrated Water Services, 479 Island Hwy, Victoria, BC, 250.360.3061, trobbins@crd.bc.ca, from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until August 30, 2021.

Qualifications for Resident and Non-Resident Property Electors

Resident Elector: You are entitled to submit an elector response form as a Resident Elector if you are 18 years or older on the date of submission of the elector response form, are a Canadian citizen, have resided in British Columbia for 6 months and within the Juan de Fuca Water Distribution Local Service Area in the CRD for at least 30 days prior to signing the elector response form.

Non-Resident Property Elector: You may submit an elector response form as a Non-Resident Property Elector if you are 18 years or older on the date of submission of the elector response form, are

a Canadian citizen, have resided in British Columbia for 6 months, have owned and held registered title to property within the Juan de Fuca Water Distribution Local Service Area in the CRD for 30 days and do NOT qualify as a Resident Elector. If there is more than one registered owner of the property (either as joint tenants or tenants in common) only one individual may, with the written consent of the majority, submit an elector response form.

To obtain an elector response form, or for questions about the alternative approval process, contact CRD Legislative Services, PO Box 1000, 625 Fisgard Street, 5th Floor, Victoria, BC V8W 2S6, email legserv@crd.bc.ca, telephone 250.360.3127 or toll free 1.800.663.4425 local 3127 from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays).

A copy of the elector response form may be downloaded from: www.crd.bc.ca/JDFWaterAAP

Elector response forms, a copy of Bylaw No. 4379, and a copy of this Notice may be inspected during regular office hours, 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until August 30, 2021 at the following CRD locations:

- CRD headquarters, 625 Fisgard Street, Victoria
- on the CRD website: www.crd.bc.ca/JDFWaterAAP

Given under my hand at Victoria, BC this th day of July, 2021

Kristen Morley
Corporate Officer



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Alternative Approval Process for Bylaw No. 4379 – to authorize the borrowing of \$14,800,000 for acquiring, designing and constructing water distribution facilities in the western communities of the Juan de Fuca Water Distribution Local Service Area

By completing this elector response form I, the undersigned elector, residing or owning real property within the Juan de Fuca Water Distribution Local Service Area, as defined below, of the Capital Regional District ("CRD"), do hereby present my name on this elector response form for purposes of **OPPOSING** the CRD adopting Bylaw No. 4379, to authorize the borrowing of \$14,800,000 for the purpose of acquiring, designing and constructing water distribution facilities within the western communities of the Juan de Fuca Water Distribution Local Service Area, unless a vote is held.

I acknowledge that I am a person who would otherwise be entitled to register and vote in respect of this matter, had the assent of the electors by voting been required. I hereby certify that:

1. I am 18 years of age or older;
2. I am a Canadian citizen;
3. I have lived in British Columbia for at least 6 months immediately before signing this elector response form;
4. I have lived in the Juan de Fuca Water Distribution Local Service Area of the CRD as defined below for at least 30 days before signing this elector response form;
5. In the case of a Non-Resident Property Elector:
 - a) I am not entitled to vote as a Resident Elector in the CRD for purposes of this matter;
 - b) I have been a registered owner of real property in the Juan de Fuca Water Distribution Local Service Area of the CRD as defined below for at least 30 days before signing this elector response form;
 - c) I acknowledge that I may sign this elector response form on behalf of only one property that I own in the Regional District;
 - d) If there is more than one individual who is the registered owner of the property, only one of those individuals may sign this elector response form in relation to the property, assuming the Non-Resident Property Elector has the written consent of the number of individuals who, together with the person signing this elector response form constitutes a majority of the registered owners.
 - e) The only persons who are registered owners of the real property are individuals who do not hold the property in trust for a corporation or another trust.
6. I am not disqualified from voting under the *Local Government Act* or any other enactment or otherwise disqualified by law from voting.

The **Juan de Fuca Water Distribution Local Service Area** is comprised of the municipalities of Colwood, Metchosin, Sooke, View Royal, and the portion of Highlands, Langford, and the Juan de Fuca Electoral Area as set out in Bylaw No. 2538, in the Capital Regional District.

I understand and acknowledge that I may not sign an elector response form against Bylaw No. 4379 more than once and may not withdraw my name from an elector response form after **August 30, 2021**. I understand and acknowledge that this elector response form must be received by the CRD no later than **4:00 pm on August 30, 2021**. In an effort to obtain signatures with respect to this matter, I declare that I have not knowingly made any false or misleading statements to another person with respect to this elector response form, action or other matter to which this elector response form relates.

Signed elector response forms must be returned to the CRD, from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays), on or before 4:00 pm on Monday, August 30, 2021 at the following CRD office location: Legislative Services, 625 Fisgard Street, 5th Floor, PO Box 1000, Victoria, BC, V8W 2S6, or by emailing a legible scanned copy to legserv@crd.bc.ca.

FULL NAME OF ELECTOR (please print):	
FULL RESIDENTIAL ADDRESS OF ELECTOR Street Address including Town/City (please print):	
FOR NON-RESIDENT PROPERTY ELECTOR Address of Property in CRD service area (please print):	
SIGNATURE OF ELECTOR:	

Section 86(7) of the Community Charter requires the elector's full name and residential address or the address of the property in relation to which the person is entitled to register as a Non-Resident Property Elector in order for this response form to be counted.