



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> Bylaw 5755 Bylaw 5756
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**SUBJECT:** Alternative Approval Process (AAP) – Rail Corridor Trail Service and Loan Authorization

**DESCRIPTION:** Report from L. Shykora, Deputy Manager Corporate Administration Services, dated May 15, 2017. Staff are asking that the Board approve: 1) Estimate of Electors, 2) Elector Response Form, 3) Deadline of the date for submission of Elector Response Forms, and 4) Communication Document entitled Frequently Asked Questions – The Rail Corridor Initiative.

**RECOMMENDATION #1:** THAT: for the purpose of obtaining approval for the Rail Corridor Trail Service Establishment Bylaw No. 5755 and the Rail Corridor Trail Service Loan Authorization Bylaw No. 5756, using the Alternative Approval Process, 2,918 be used as the fair determination of 10% of the eligible number of electors within the service area (Electoral Areas C, D, E, F, the City of Salmon Arm and the District of Sicamous).

**RECOMMENDATION #2:** THAT: the Rail Corridor Trail Service Establishment Alternative Approval Process Elector Response Form be approved by the Board in the form attached to the report from the Deputy Manager, Corporate Administration Services dated May 15, 2017, subject to both the Rail Corridor Trail Service Establishment Bylaw and the Rail Corridor Trail Service Loan Authorization Bylaw No. 5756 being approved by the Inspector of Municipalities by Monday, May 29, 2017.

**RECOMMENDATION #3:** THAT: the deadline for receipt of submissions of Elector Response Forms for the Alternative Approval Process conducted for the Rail Corridor Trail Service Establishment Bylaw No. 5755 and for Rail Corridor Trail Service Loan Authorization Bylaw No. 5756 be determined to be 4:00 pm, Monday, July 17, 2017.

**RECOMMENDATION #4:** THAT: the Board endorse the publication “Frequently Asked Questions – The Rail Corridor Initiative” dated May, 2017.

**SHORT SUMMARY:**

In conjunction with the Alternative Approval Process (AAP) for the CP Rail Corridor Service Establishment and Loan Authorization Bylaws which were given Three Readings by the Board on April 20, 2017, three actions are required by the Board:

- 1) Endorse the Estimate of Electors
- 2) Approve the Elector Response Form;
- 3) Approve the Deadline Date for the Submissions of Elector Response Forms to be received by the CSR.

The fourth recommendation asks that the Board endorse the document entitled “Frequently Asked Questions – The Rail Corridor Initiative”, as presented. This document will be communicated through the media to inform the public about the Rail Corridor Initiative.



Elector Response Forms if electors are opposed to adopting Bylaws No. 5755 and 5756.

The deadline for submission of elector response forms may be no sooner than 30 days after the second publication in the local newspaper. If the Inspector of Municipalities has approved Bylaw No. 5755 and Bylaw No. 5756 by May 29, 2017 it is proposed that the Statutory Notice of Alternate Approval Process be published for two consecutive weeks (the weeks of June 4 and June 11, 2017, with the last statutory Notice being published by Friday, June 14, 2017. By setting the deadline for submission of elector response forms as Monday, July 17, 2017, electors will have no less than 30 days from the last newspaper publication to sign the submission form and submit it to the CSRD Corporate Officer. Any Elector Response Forms received after the deadline has passed cannot be counted.

Although an elector response form is not considered the same as the ballot used in a general local election, bi-election or in assent voting; local government corporate officers have a duty to keep the forms secure during the AAP. Local governments must also ensure the elector response forms and the personal information they contain are retained in accordance with the Freedom of Information and Protection of Privacy Act.

After the AAP deadline has passed, the local government's corporate officer must determine and certify whether the valid elector response forms submitted met or exceeded the 10% threshold established for the AAP. This determination of the corporate officer is final and conclusive. **When 10% or more of the eligible electors sign and submit response forms, local governments cannot proceed with the proposed matter without first holding an assent voting opportunity (referendum).** Proceeding to an assent vote would require that voting occur no later than 80 days after the deadline established for electors to submit the elector response forms during the Alternative Approval Process.

### **Elector Response Form**

A draft Elector Response Form is attached to this report for the Board's approval.

Electors are required to submit a completed Elector Response Form to the CSRD by either mail or hand delivery, by the deadline date of 4 PM, Monday, July 17, 2017.

Elector Response Forms (ERF) will be made available on the CSRD website, at the CSRD and the District of Sicamous and City of Salmon Arm Municipal offices throughout the AAP process.

All Elector Response Forms submitted by electors will be reviewed by staff to ensure residency requirements and compliance with other requirements stated on the Response Form.

### **Fair Determination of the Number of Electors**

Section 86(3) of the Community Charter requires that the Board make a fair determination of the total number of electors within the area to which the Alternative Approval Process applies.

With respect to determination of the number of electors within the proposed service area, a fair estimate was arrived at using Statistics Canada Census data from the last census (2016). The following is an estimate of the total number of residents over the voting age of 18 (eligible electors)

within Electoral Areas C, D, E, and F, the District of Sicamous and the City of Salmon Arm.

	<b>Total Number of Residents</b>	<b>Number of Residents over the Age of 18</b>	<b>10%</b>
<b>Area C</b>	7,921	6,881	688
<b>Area D</b>	4,044	3,289	329
<b>Area E</b>	1,185	1,025	103
<b>Area F</b>	2,454	2,214	221
<b>District of Sicamous</b>	2,429	2,069	207
<b>City of Salmon Arm</b>	17,904	13,692* *Includes conservative reduction non-Canadian citizens, those who have not lived in BC for at least 6 months or the municipality for 30 days or those otherwise disqualified under the Local Government Act.	1,370
<b>TOTAL</b>	<b>35,937</b>	<b>29,170</b>	<b>2,918</b>

Based on the fair determination of the Number of Electors, if less than 2,918 Elector Response Forms are signed and submitted before the AAP deadline (10% of the eligible electors within Electoral Areas C, D, E, F, the City of Salmon Arm and the District of Sicamous), the Board will be in a position to consider adoption of Rail Corridor Trail Service Establishment Bylaw No. 5755 and Rail Corridor Trail Service Loan Authorization Bylaw No. 5756.

#### **POLICY:**

Community Charter and Local Government Act.

There are legislative requirements to consult with the public. Sections 86 *and* 94 of the Community Charter state that Notice of the approval process must be posted in the public notice posting places and published in a newspaper that is distributed at least weekly in the areas affected and must be published once per week for 2 consecutive weeks.

The advertised Notice must include:

- a general description of the bylaw, agreement, or other matter;
- a statement that the local government may proceed unless more than 10% of the electors sign an elector response form;
- a description of the area to which the alternative approval process applies;
- the deadline by which elector response forms must be submitted;

- an estimate of the number of electors in the area to which the alternative approval process applies that would constitute 10% of the total electors; and,
- a statement that: elector response must be given in the form established by the local government; the forms are available at the local government offices; and the only persons entitled to sign the forms are the electors of the area to which the AAP applies.

### **FINANCIAL:**

The cost estimate for advertising of statutory public notices for the Alternative Approval Process is \$7,000. The statutory public notice is a publication of Notice of the AAP and a synopsis of the bylaws, in two (2) consecutive issues of the newspaper circulating in each of the proposed service areas. There are 5 separate area newspapers circulating in Electoral Areas C, D, E, F, the District of Sicamous and the City of Salmon Arm. Any advertising costs will be funded from the Rail Corridor Feasibility Reserve Fund.

Additional costs will be incurred for communicating the "Frequently Asked Questions – The Rail Corridor Initiative" document to the proposed service area residents/electors through a variety of channels including news media, website and social media. Staff estimate this cost to be up to \$10,000, the costs of which would also be funded from the Rail Corridor Feasibility Reserve Fund.

In terms of the service, the annual costs for this service will be recovered through the collection of taxes levied against the value of land and improvements for those properties within the boundaries of the service area (the entirety of the City of Salmon Arm, the District of Sicamous and Electoral Areas C, D, E and F). The Service Area Establishment Bylaw proposes the following customized cost apportionment formula amongst the service area participants:

- City of Salmon Arm: 35%
- District of Sicamous: 30%
- Electoral Area E: 15%
- Electoral Area D: 3%
- Electoral Area C: 12%
- Electoral Area F: 5%.

The proposed loan authorization bylaw would authorize the CSRD to borrow up to \$1,840,000 to purchase the abandoned Canadian Pacific rail corridor. The Loan Authorization Bylaw proposes a borrowing term of 25 years.

The cost to each participating jurisdiction to borrow this money is estimated as follows, based upon the following: Borrowing up to \$1,840,000 at a market rate of 3.58%, amortized over a 25 year repayment schedule. Using the customized cost apportionment formula, the share of the annual repayment amount for each participating jurisdiction is as follows:

<b>Jurisdiction</b>	<b>Percentage of Total</b>	<b>Total Annual Debt Repayment Amount by Jurisdiction</b>
City of Salmon Arm	35%	\$40,719
District of Sicamous	30%	\$34,907
Electoral Area E	15%	\$17,451
Electoral Area C	12%	\$13,961

Electoral Area F	5%	\$ 5,817
Electoral Area D	3%	\$ 3,490
<b>Total Debt Repayment</b>	<b>100%</b>	<b>\$116,340</b>

The annual tax impact be for the average residential taxpayer in each of the participating jurisdictions is anticipated to be as follows:

<b>Jurisdiction</b>	<b>Average Residential Assessment</b>	<b>Average Residential Tax</b>
City of Salmon Arm	\$ 335,874	\$ 3.98
District of Sicamous	\$ 258,302	\$ 13.57
Electoral Area E	\$ 274,779	\$ 10.03
Electoral Area C	\$ 349,414	\$ 2.16
Electoral Area F	\$ 286,637	\$ 1.29
Electoral Area D	\$ 258,969	\$ 1.83

### **COMMUNICATIONS:**

Once the CSRD is notified that Bylaw No. 5755 and Bylaw No. 5756 are approved by the Inspector of Municipalities, the required statutory advertising of public notices will be published in local newspapers, CSRD website, and social media.

An information sheet and details of the Alternative Approval Process and the Elector Response Forms will be made available on the CSRD website, as well as at the CSRD office, the District of Sicamous Municipal Office and the City of Salmon Arm Municipal Office. After the submission deadline of July 17, 2017, it is expected that the results of the Alternative Approval Process will be reported at the July 20, 2017 Board meeting.

The Regional District of North Okanagan will also be conducting an Alternative Approval Process for their portion of the rail corridor at the same time as the CSRD. The CSRD and RDNO staff will liaise to ensure consistent messaging to the public regarding the Elector Response form, parallel advertising and communications to assist the public throughout the process.

### **DESIRED OUTCOMES:**

That the Board endorse the four (4) recommendations as presented so that staff is in a position to advance the Alternative Approval Process upon receipt of Ministerial approval of the service establishment and loan authorization bylaws.

### **BOARD'S OPTIONS:**

1. *Endorse the Recommendations.*
2. *Any other action deemed appropriate by the Board.*

### **LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. N/A

**Report Approval Details**

Document Title:	Alternate Approval Process - Rail Corridor Trail Service Establishment and Loan Authorization.docx
Attachments:	- CSRD FINAL Elector Response Form AAP Rail Corridor.pdf - Rail-Corridor - FAQ - May 15-2017.pdf - Rail Corridor Map.pdf
Final Approval Date:	May 16, 2017

This report and all of its attachments were approved and signed as outlined below:

**No Signature found**

**Jodi Pierce - May 16, 2017 - 2:42 PM**

A handwritten signature in black ink, appearing to read "C. Hamilton". The signature is stylized and cursive.

**Charles Hamilton - May 16, 2017 - 3:52 PM**