

DATE: August 4, 2015**FILE:** 4200-20/homelessness**TO:** Chair and Directors
Committee of the Whole**FROM:** James Warren
Acting Chief Administrative Officer**RE:** Logistics for fall 2015 referendum on homelessness service

Purpose

The purpose of this report is to:

- a) Introduce a bylaw to establish a Comox Valley homelessness supports service; and
- b) Present the logistic details and resolutions required to conduct a fall 2015 referendum (assent voting) to seek elector approval for a Comox Valley homelessness supports service.

Policy analysis

A regional district may operate any service the board considers necessary or desirable for all or part of the regional district, under section 796 of the *Local Government Act* (LGA). The Comox Valley Regional District (CVRD) does not have a service that relates to providing support for affordable housing or the homeless.

In a November 2014 non-binding, public opinion poll, 71 per cent of voters supported at least a \$5 per year property tax (on a home that is assessed at \$300,000) to reduce homelessness. A survey was then conducted in May 2015 of municipal councils and electoral area directors to determine parameters for such a service. In addition, the CVRD received a presentation from the Comox Valley coalition to end homelessness. At its June 30, 2015 meeting, the CVRD board approved the following resolution:

THAT a service establishment bylaw for addressing homelessness be developed with:

- *the participants being the City of Courtenay, Village of Cumberland, Electoral Area 'A' (excluding Denman and Hornby Islands), Electoral Area 'B' and Electoral Area 'C';*
- *the maximum requisition being the greater of \$165,000 or two cents per \$1000 of assessed value;*
- *the purpose being to provide funds to one or more local non-governmental organizations based on a board-approved five-year action plan to address homelessness in the Comox Valley;*

AND FURTHER THAT staff liaise with the Comox Valley coalition to end homelessness to gather input on the service establishment bylaw, describe service delivery options, promote awareness of a fall 2015 referendum, and have the coalition develop a five-year financial plan based on Comox Valley priority needs to address homelessness;

AND FURTHER THAT staff be directed to formalize a timeline for a referendum, including discussions to coordinate with any other Comox Valley public bodies that might be planning elector approval processes;

AND FINALLY THAT the service establishment bylaw be prepared for board consideration before the end of August 2015 with a recommendation to proceed to a fall 2015 referendum.

The Town of Comox has not opted to participate in a homelessness supports service and instead has indicated it would partner with service providers on its own. Town of Comox directors would not vote on policy matters related to a homelessness supports service, should one be established.

Executive summary

A fall 2015 referendum to seek elector approval for a new service to address homelessness in the Comox Valley can be held on November 28, 2015. The results of such a referendum could be reported to the inaugural board meeting on December 15, 2015. If elector approval is obtained and a new service is established, funds could be available following the adoption of the 2016-2020 financial plan in March 2016.

In order that a fall 2015 referendum is conducted, a number of requirements must be met:

- the board gives three readings to a service establishing bylaw (appendix B) and approves a synopsis for use in required advertising;
- the board confirms it will seek approval on a service-wide basis (board motion requires at least two-thirds of the votes cast);
- the board confirms it will seek approval via assent of the electors (referendum) and that the board is responsible for conducting the voting throughout the proposed service area;
- adopt a bylaw that establishes the question to be used for the voting;
- appoint the regional voting officer and the deputy regional voting officer; and
- commit funding from the regional feasibility study service (function no. 150) to conduct the assent voting.

If elector
approval is
obtained ...
funds could
be available
... in March
2016

Key dates for a November 28, 2015 referendum are listed in appendix A.

This report describes the above-noted requirements in further detail and also presents alternatives, where available. A conceptual service delivery model is also presented in appendix C that describes how taxes collected from property owners under this proposed service would be used by one or more local non-governmental organizations to address homelessness in the Comox Valley.

Recommendations from the acting chief administrative officer:

1. THAT Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015” be considered for three readings and submitted to the Inspector of Municipalities and the electors of the proposed Comox Valley homelessness supports service area for approval on a service-wide basis;

AND FURTHER THAT the bylaw would establish a service that provides funds to one or more local non-governmental organizations based on a board-approved five-year action plan to address homelessness in the Comox Valley.

(NOTE: The above recommendation requires two-thirds of the votes cast for approval.)

2. THAT electoral approval for Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015” be sought by way of a referendum (assent voting) to be conducted by the board and to be held on November 28, 2015;

AND FURTHER THAT a synopsis be used in required advertising, generally as follows:

“Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015” would provide funds to one or more local non-governmental organizations based on a board-approved five-year action plan to address homelessness in the Comox Valley. The service area that is subject of this bylaw includes the City of Courtenay, Village of Cumberland, Electoral Area ‘A’ (excluding Denman and Hornby Islands), Electoral Area ‘B’ and Electoral Area ‘C’.”

AND FURTHER THAT the following question be approved, by bylaw, for the Comox Valley homelessness supports service assent voting to be held on November 28, 2015:

“Are you in favour of the Comox Valley Regional District adopting Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015” to establish a service that would provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley?”

AND FURTHER THAT, for the November 2015 homelessness supports service assent voting process, James Warren be appointed as the regional voting officer and Andrea Sutherland be appointed as the deputy regional voting officer;

AND FINALLY THAT up to \$50,000 from the regional feasibility studies service (function no. 150) be committed to conduct a fall 2015 referendum (assent voting) on a new service to address homelessness in the Comox Valley to be funded from 2015 uncommitted regional feasibility studies monies and prior years surplus.

3. THAT the board approve the homelessness supports – service delivery policy as attached to the staff report dated August 4, 2015 (appendix C).

Respectfully:

J. Warren

James Warren
Acting Chief Administrative Officer

History/background factors

For many years, the Comox Valley has engaged in discussions regarding homelessness. A summary of these actions is included in a staff report dated April 15, 2015 and considered at the April 21, 2015 CVRD committee of the whole meeting (<http://www.comoxvalleyrd.ca/minutes>). Following the results of a survey conducted with municipal councils and electoral area directors, the CVRD board approved a motion to proceed with a referendum in fall 2015 that would seek elector approval to establish a service that would provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley. This proposed service would include the City of Courtenay, Village of Cumberland and Areas A (excluding Denman and Hornby Islands), B and C. The Town of Comox has opted not to participate in such a service and instead may provide funds on its own accord to service

providers. The Town of Comox directors would not participate in decisions relating to policy development or financial planning for a homelessness supports service.

Options

The process for seeking elector approval to establish a new service includes several decisions the board must consider. Fundamentally, the board must make decisions on:

- obtaining elector approval on a service-wide basis or by individual participating jurisdiction;
- using an alternative approval process (AAP) or assent voting (referendum) to obtain elector approval;
- whether the board or individual councils are responsible for conducting the assent voting;
- the purpose of the service;
- the maximum requisition for the service;
- the boundaries and participants for the service;
- if proceeding with assent voting, the question to be voted on;
- naming a regional voting officer and a deputy regional voting officer; and
- committing funds to conduct the assent voting process.

The recommendations contained in this staff report align with the board motion dated June 30, 2015 regarding a proposed homelessness supports service. Appendix D provides a table that explores the above decisions in greater detail and identifies potential options.

Financial factors

This report describes two elements of the financial factors relating to a referendum for a homelessness supports service: 1) details related to service establishment bylaw and 2) details related to conducting a referendum (assent voting).

\$6 is the maximum tax levy that could be charged on a property with an assessed value of \$300,000... this service could then provide up to \$150,000 annually for ... local ... organizations

Service establishing bylaw: The proposed maximum requisition for this service is the greater of \$165,000 or two cents per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes. This means that \$6 is the maximum tax levy that could be charged on a property with an assessed value of \$300,000. Further, the only ways in which funds can be raised for this service are through property value taxes and revenues received by way of agreement, enterprises, gifts or grants or through means authorized by the LGA. Finally, this service could then provide up to \$150,000 annually for one or more local non-governmental organizations to address homelessness.

Referendum (assent voting): As is noted in the recommendation, up to \$50,000 is required to conduct assent voting in Electoral Areas A (except Hornby and Denman Islands), B and C, the City of Courtenay and the Village of Cumberland. These funds would come from the regional feasibility study fund (service no. 150) and will pay for room rentals, legal advertising, voting place staff, mail ballot voting procedures, voting supplies, ballot printing and legal advice. The CVRD staff is discussing voting logistics with Courtenay and Cumberland staff to ensure the voting opportunities are as straight-forward as possible. All costs associated with the assent voting will be borne by the CVRD. Should the homelessness supports service be established, the regional feasibility study reserve fund will be repaid from the homelessness supports service over the next three to five years.

Table 1 illustrates the financial impact on the service participants at the maximum requisition for 2015.

Participant	Maximum levy @ \$0.02 per \$1000 (residential rate = \$0.0167)
Area A (excluding Denman and Hornby Islands)	\$19,491.35
Area B	\$23,258.48
Area C	\$29,816.15
Courtenay	\$81,279.73
Cumberland	\$8,928.94
Total	\$162,774.64

Legal factors

The proposed homelessness supports service establishment bylaw incorporates parameters from the LGA. The required components of the service establishment bylaw are, in addition to the financial requirements identified earlier, named here:

- Purpose: to provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley
- Boundaries: the service would apply to, and recover funds from, the City of Courtenay, Village of Cumberland and Electoral Areas A (excluding Denman and Hornby Islands), B and C.
- Service review: while not a required part of service establishment bylaws, the service review language is incorporated to specify that a review will be conducted every five years with the first occurring in 2020. The service review language enables participants to routinely analyze the service to promote accountability, efficiency of resources and effectiveness of the service overall.

Service delivery must be considered when a new service is established. Appendix C describes a conceptual framework for delivering a homelessness supports service, aligned with the purpose described for this service. In short, the CVRD board has indicated that the service would “provide

The coalition would develop the five-year plan and the board could approve that plan

funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley” and have the Comox Valley coalition to end homelessness “develop a five-year financial plan based on Comox Valley priority needs to address homelessness” (CVRD, June 30, 2015 board meeting). The coalition would develop the five-year plan and the board could approve that plan. Appendix C includes reference to a policy framework for implementing this service delivery model. This staff report recommends that the board approve the policy framework in advance of the assent voting to provide greater public certainty. An alternative could be that the board have further discussion on the policy framework at its September or October committee of the whole meetings.

Sustainability implications

The Comox Valley sustainability strategy identifies housing in a number of sections as part of the overall goals to promote a region with a high standard of living and quality of life. In particular, ensuring residents have access to adequate housing is one of the primary strategies for sustainable community development and social/community well-being. The proposed homelessness supports service responds to this goal by providing such supports through a community-centred group, being the coalition to end homelessness.

Intergovernmental factors

Under the proposed homelessness supports service, the CVRD will requisition property taxes and provide those funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley. The CVRD directors will provide input to the goals associated with the action plan and ultimately approve funds for the action plan.

The Town of Comox has not opted to participate in a homelessness supports service. Town of Comox directors would not vote on matters related to policy development or financial planning for such a service.

For the November 28, 2015 assent voting, CVRD staff have worked with City of Courtenay and Village of Cumberland staff to identify various voting-related logistics. In particular, voting opportunities will be open to all voters in the proposed service area. That means a single voting place in central Courtenay will be available, rather than a voting place at the CVRD boardroom and at the Filberg Centre. Additionally, given the assent voting is proposed to be conducted on a service-wide basis, staffing arrangements, voting supplies and voting rules will follow the CVRD model. The CVRD elections bylaw (no. 11) will be used to conduct the voting.

Interdepartmental involvement

Should the service be established, the executive management branch will keep the CVRD board apprised of any communications between the CVRD and the coalition to end homelessness. Further, the executive management branch in general and financial services in particular will seek agreements with the local non-governmental organizations to enable the transfer of funds.

Legislative services will conduct all aspects of the voting process.

Citizen/public relations

Assent voting for a proposed homelessness supports service on November 28, 2015 will require legal advertising at different points in time. In addition, a website will be developed that will house a variety of information on who can vote, when voting can happen, mail ballot voting procedures, the nature of the proposed service and the proposed service delivery model.

Promoting the vote and garnering support on one or the other side of the question is not a role that the CVRD administration will undertake. Appendix E illustrates the roles during assent voting.

Attachments: Appendix A – Key dates in Homelessness Supports Service Assent Voting
Appendix B – Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015”
Appendix C – Conceptual service delivery model and policy for a Comox Valley homelessness supports service
Appendix D – Options analysis for conducting a regional district assent voting (referendum) process
Appendix E – Roles during assent voting (referendum)

Appendix A – Key Dates in Homelessness Supports Service Assent Voting

August 11, 2015	Committee of the whole meeting – consideration of service establishing bylaw, synopsis and assent voting question
August 25, 2015	Board meeting – consider approving assent voting question, synopsis and reading service establishing bylaw three times
September 2015	Service establishing bylaw submitted to Inspector of Municipalities for approval
September to November, 2015	Public education and awareness campaign conducted by Comox Valley coalition to end homelessness, elected officials and community
October and November, 2015	Various legal and community advertising for voting opportunities (including in person and by mail), scrutineer applications, elector registrations, etc
October 27 to November 6, 2015	Scrutineer application period
November 18, 2015	Advance voting day
November 25, 2015	Advance voting day
November 28, 2015	Voting day
December 2, 2015	Official results of assent voting announced
December 15, 2015	Board meeting – consideration of assent voting results; service establishing bylaw may be adopted if assent of electors for bylaw is received

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. XXX

A bylaw to establish the Comox Valley homelessness supports service to provide funds to non-governmental organizations to address homelessness in the Comox Valley

WHEREAS under section 796 of the *Local Government Act* a regional district may operate any service the board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the board of the Comox Valley Regional District wishes to establish a service to provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley;

AND WHEREAS the approval of the inspector of municipalities has been obtained under section 801 of the *Local Government Act*; and

AND WHEREAS the approval for the participating areas was obtained by assent of the electors under section 801.2 of the *Local Government Act*;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Service

1. (1) The service established by this bylaw is to provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley.
- (2) The service shall be known as the Comox Valley homelessness supports service (the 'service').

Boundaries

2. The boundaries of the service are the City of Courtenay, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman/Hornby Islands) excluding Denman and Hornby Islands, Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek).

Participating areas

3. The City of Courtenay, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman/Hornby Islands), Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek) include a participating area in the service.

Cost recovery

4. As provided in section 803 of the *Local Government Act*, the annual cost for this service shall be recovered by one or more of the following:
 - (a) property value taxes;
 - (b) revenues raised by other means authorized by the *Local Government Act* or another Act; and
 - (c) revenues received by way of agreement, enterprises, gift, grant or otherwise,

Maximum requisition

5. In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the service is the greater of \$165,000 or \$0.02 per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes.

Service review

6. All aspects of the Comox Valley homelessness supports service shall be reviewed every five years, with the first review occurring in 2020.

Citation

This Bylaw No. XXX may be cited as “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015”.

Read a first and second time this day of 2015.

Read a third time this day of 2015.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. XX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015” as read a third time by the board of the Comox Valley Regional District on the day of 2015.

Approved by the Corporate Legislative Officer
Inspector of Municipalities this day of 2015.

Participating area approval
obtained this day of 2015.

Adopted this day of 2015.

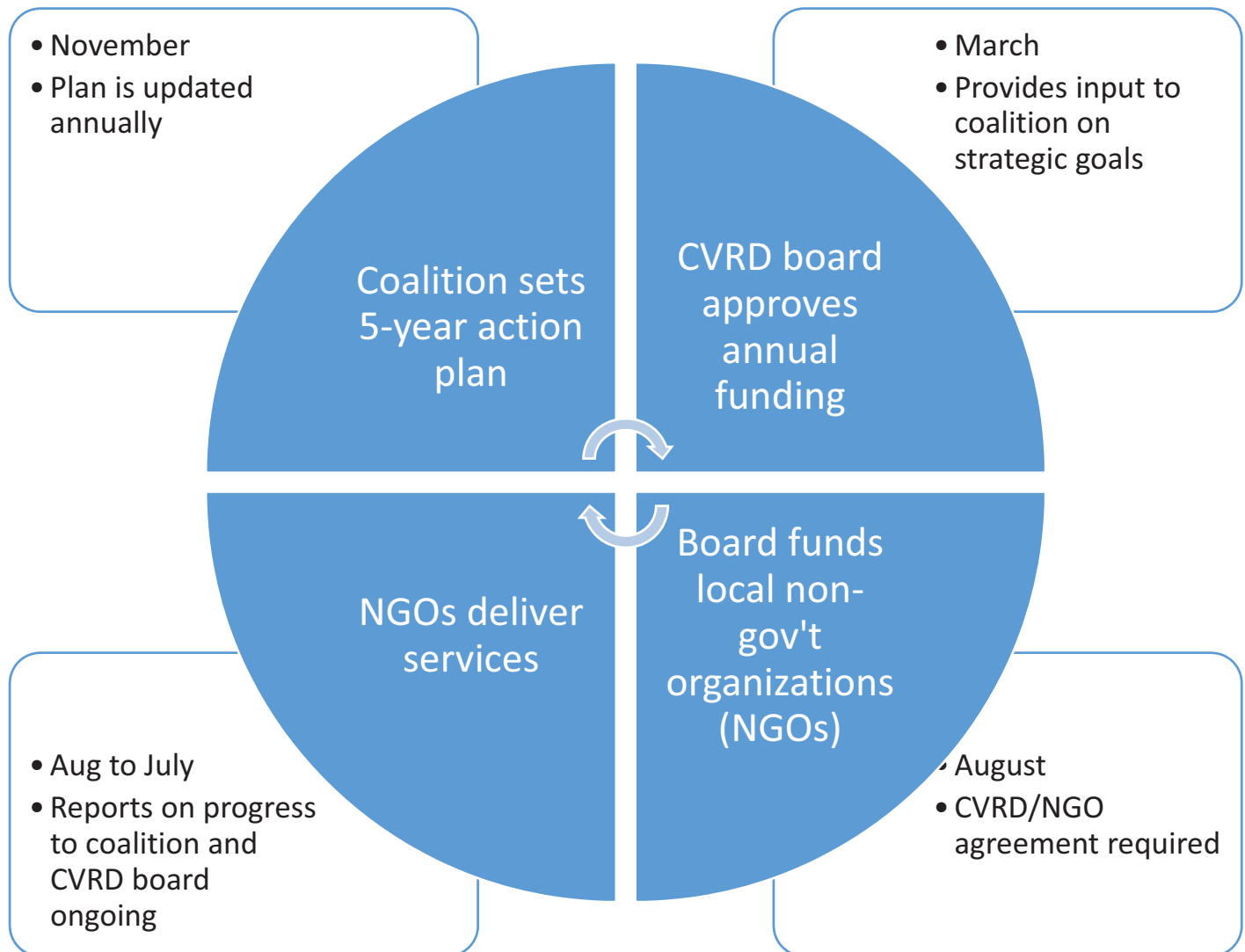
Chair Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015” as adopted by the board of the Comox Valley Regional District on the day of 2015.

Corporate Legislative Officer

The CVRD board has indicated that the homelessness supports service would “provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley” and have the Comox Valley coalition to end homelessness “develop a five-year financial plan based on Comox Valley priority needs to address homelessness” (CVRD, June 30, 2015 board meeting). The coalition would develop the five-year plan, to be reviewed and updated annually. The board would approve that plan annually.

The illustration below shows the relationship between the Comox Valley coalition to end homelessness, the CVRD and funding opportunities. The draft policy on the following page identifies the framework for delivering the homelessness supports service.



Subject: Homelessness Supports – Service Delivery Policy	
Branch: Executive Management	
Department: Public	Policy Reference: 5040-00

Purpose

The purpose of this policy is to establish a service delivery framework for the homelessness supports service, established by the adoption of Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015”. The purpose of the service is to provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley.

Scope

This policy provides the framework for delivering the homelessness supports service. The policy identifies the role of the Comox Valley Regional District (CVRD) board, staff, external agencies and the Comox Valley coalition to end homelessness.

Guiding Principle

This service delivery policy framework:

1. Provides for open, transparent governance;
2. Maximizes efforts to end homelessness by utilizing on-the-ground, community-based expertise to prioritize housing and homelessness needs in the Comox Valley;

Policy Statement

1. Annually, the coalition will work with local non-governmental organizations to develop a five-year action plan to address homelessness in the Comox Valley. The plan will include performance measurements.
2. Annually, the CVRD board may approve the current-year funding request as established in the five-year action plan.
3. The coalition may identify a need within its action plan to set aside funds for a future activity and the board may assign funds to a reserve account.
4. The CVRD board may provide input to the coalition on strategic goals that the board identifies as important elements for addressing homelessness.
5. The recipient organizations will report at least annually to the coalition and the CVRD board on the outcome of the actions funded by the homelessness supports service.
6. Should the Comox Valley coalition to end homelessness disband or otherwise cease to operate or exist, the CVRD board:
 - a) may direct funding on its own accord and
 - b) will seek a community-based organization or group of organizations to continue developing a five-year action plan to address homelessness in the Comox Valley
 - c) update this policy to reflect the transition from the coalition to a new coordinating body.

Approval History

Policy adopted:	DATE
Policy amended:	If necessary

The following table identifies options available to the board in considering the proposed homelessness supports service.

The options listed here may be considered in advancing a homelessness supports service however some may require additional analysis before a final decision can be made.

Option	Discussion
Obtaining elector approval on a service-wide basis or by individual participating jurisdiction	The board decides the method of obtaining elector approval. If service-wide basis is used, one referendum or AAP is used and seeks voter approval as one unit. If individual participating jurisdictions are used, then each jurisdiction seeks individual voter approval and results maintained separately.
Alternative approval process (AAP) or assent voting (referendum)	The board has indicated preference for a referendum, though an AAP is an approach that is available.
Responsibility for conducting the assent voting: board or individual councils	Where a board conducts the assent voting, all voters in the proposed service area cast ballots together. Where individual councils conduct the assent voting, voters in each jurisdiction cast ballots separately.
Purpose of the service	The purpose builds on the board-approved resolution from June 30, 2015. The board may amend the service up until when the bylaw is submitted for inspector approval (early September 2015).
Maximum requisition for the service	Currently at the greater of \$165,000 or two cents per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes. The board may amend the maximum requisition up until when the bylaw is submitted for inspector approval.
Boundaries and participants for the service	Currently, participants are Courtenay, Cumberland, A (excluding Denman and Hornby), B and C. The Town of Comox indicated it would not participate in the service. The board may request Comox to reconsider.
The question to be voted on (is using assent voting process)	The board may amend the following question for assent voting, which must be set by bylaw (timed for adoption in September 2015): “Are you in favour of the Comox Valley Regional District adopting Bylaw No. XXX being “Comox Valley Homelessness Supports Service Establishment Bylaw No. XXX, 2015” to establish a service that would provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley?”
Regional voting officer and a deputy regional voting officer	As the recommendation is to proceed with voting on a service-wide basis, which will utilize the CVRD election bylaw, this report recommends the CVRD chief and deputy chief election officers be named as the regional and deputy regional voting officers. The board may identify other individuals as regional voting officers if required.
Committing funds to conduct the assent voting process.	The proposed budget to conduct service-wide voting is \$50,000. An AAP can be conducted for approximately \$3000.

COMOX VALLEY REGIONAL DISTRICT: This graphic demonstrates the chief election officer's role during a referendum (assent voting), which is to administer the vote, ensure legislative requirements, be neutral and not promote the "YES" or "NO" side.



The chief election officer's role is legislated by Parts 3 and 4 of Local Government Act

Chief Election Officer

- Administers elections / referenda / assent processes
- Legal newspaper ads
- Even handed
- Protect integrity of the process
- Election official oaths

Other parties roles during a referendum are regulated in part by the Local Government Act and Local Elections Campaign Financing Act (LECFA) but may also promote the "YES" or "NO" side and are not required to be neutral.

Elected Officials / Select Committee

- Factual information
- Newsletters, newspaper ads
- Open houses
- CVRD website to post information
- Use of social media

CVRD Operations

- Factual information
- Newsletters, newspaper ads
- Open houses
- CVRD website to post information
- Use of social media

Individuals, public, residents associations, community groups, other stakeholders

- Newsletters, newspaper ads
- Open houses
- Use of social media
- Information not vetted by local government

People or organizations that advertise to promote the YES or NO side in a referendum must register with Elections BC as "assent voting advertising sponsors" (LECFA [SBC 2014])

