

DATE: January 21, 2019**FILE:** 3900-02**TO:** Chair and Directors
Comox Valley Regional District Board**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer**R. Dyson****RE: Alternative Approval Process Results – Denman Island Community Facilities****Purpose**

The purpose of this report is to provide the Board with the results of Alternative Approval Process (AAP) that was conducted to seek elector approval for Bylaw No. 564 being “Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2”.

Recommendation from the Chief Administrative Officer:

None. This report is provided for information only.

Executive Summary

In accordance with s. 349 of the *Local Government Act* (LGA), the Comox Valley Regional District (CVRD) has sought the approval of the electors respecting an amendment to the service establishment bylaw for the Denman Island Community Hall service to expand the purpose of the service in order to also provide funding for the Denman Activity Centre and increase the maximum requisition by 25 per cent. The Board gave three readings to Bylaw No. 564 at its October 2, 2018 meeting and endorsed the required forms and notices to conduct an AAP to seek elector approval.

The notices of an AAP for Bylaw No. 564 being “Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2” were published in the Comox Valley Record on December 6 and 13, 2018 as well as an amended version was also included in a Denman Island publication. The formal notice, attached as Appendix B, provided electors with at least 30 days in which to sign and submit an elector response form prior to the deadline of 4:30 pm on January 17, 2018 to register their opposition to the Board adopting Bylaw No. 564.

In order for the CVRD to proceed with the final adoption of Bylaw No. 564, less than 10 per cent of the electors in the service area would have to submit an elector response form. The total number of electors within the service area was fairly determined to be 926 and 10 per cent of that number, or 93 individuals, would have to submit an elector response form to prevent the Board from adopting Bylaw No. 567 without first going to referendum.

As per Section 86 (8) of the Community Charter the Corporate Officer must determine and certify, whether elector approval in accordance with this section has been obtained. At the close of the process, on January 17, 2019 at 4:30 pm, one elector response form was received from an eligible elector in the service area. The Corporate Officer’s certification is provided as Appendix C.

With inspector approval of this bylaw being received on October 30, 2018 and electoral approval being received on January 17, 2019, the Board may now consider adoption of Bylaw No. 564.

Prepared by:

J. Martens

Jake Martens
Manager of Legislative Services

Concurrence:

J. Warren

James Warren
General Manager of Corporate
Services

Attachments: Appendix A – “Bylaw No. 564”
 Appendix B – “Public Notice of Alternative Approval Process – Bylaw No. 564”
 Appendix C – “Alternative Approval Process Results Certification”

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 564

A bylaw to amend the service establishing bylaw for the Denman Island Community Hall Service to expand the purpose to include providing capital and operating assistance for the Denman Activities Centre and to increase the maximum requisition by 25 percent

WHEREAS the Denman Island Community Hall Service was created by the adoption of Bylaw No. 1415 being “Denman Island Community Hall Local Service Establishment Bylaw, 1992” on March 30, 1992;

AND WHEREAS the board wishes to include providing capital and operating assistance for the Denman Activities Centre and to increase the maximum requisition by 25 percent;

AND WHEREAS participating area approval has been obtained by way of alternative approval process pursuant to section 345 of the *Local Government Act* [RSBC 2015 c.1]

AND WHEREAS the approval of the inspector of municipalities has been obtained under section 342 of the *Local Government Act* [RSBC 2015] c. 1;

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

Amendment

1. Bylaw No. 1415 being “Denman Island Community Hall Local Service Establishment Bylaw, 1992” is hereby amended by:
 - (1) Replacing section 1, which reads:

“The Regional District hereby establishes within a portion of Electoral Area "A", a Local Service for the purpose of providing operating funds assistance for the Denman Island Community Hall within the boundaries of the service area shown outlined on the plan attached, as Schedule "A", to this by-law and known as "Denman Island Community Hall Local Service".”

with the following section 1 (Service):

“(1) The service established by this bylaw is to provide operating and capital funds assistance for the Denman Island Community Hall and Denman Activities Centre.

(2) The service shall be known as the "Denman Island Community Facilities Service".”
 - (2) Inserting a new section 2 (Boundaries) as follows:

“2. The boundaries of the service are portions of Electoral Area ‘A’ (Baynes Sound – Denman/Hornby Islands) as identified in schedule ‘A’ attached to and forming part of this bylaw.”
 - (3) Inserting a new section 3 (Participating areas) as follows:

“3. Electoral Area ‘A’ (Baynes Sound – Denman/Hornby Islands) includes a participating area in the service.”

(4) Replacing section 2, which reads:

"The annual costs of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of the Local Government Act;
- (b) parcel taxes imposed in accordance with Division 4.3 of the Local Government Act;
- (c) fees and charges imposed in accordance with section 803 of the Local Government Act;
- (d) revenues raised by other means authorized by the Local Government Act or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise."

with the following, inserted as section 4 (Cost recovery):

"As provided in section 378 of the *Local Government Act* (RSBC, 2015, C. 1), the annual cost for this service shall be recovered by one or more of the following:

- (a) property value taxes;
- (b) parcel taxes;
- (c) fees and charges imposed under section 397 of the *Local Government Act* (RSBC, 2015, C. 1);
- (d) revenues raised by other means authorized by the *Local Government Act* (RSBC, 2015, C. 1) or another Act; and
- (e) revenues received by way of agreement, enterprises, gift, grant or otherwise."

(5) Replacing section 3, which reads:

"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:

- (a) \$14,620.00; or
- (b) an amount equal to the amount that could be raised by a property value rate of \$0.16 per \$1,000.00 applied to the net taxable value of land and improvements within the Service Area."

with the following, inserted as section 5 (Maximum requisition):

"In accordance with section 339(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 \$75,508 or \$0.20 per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes."

Citation

This Bylaw No. 564 may be cited as “Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2”.

Read a first and second time this	2nd	day of	October	2018.
Read a third time this	2nd	day of	October	2018.
Approved by the Inspector of Municipalities this	30th	day of	October	2018.
Received the approval of the electors this	17th	day of	January	2019.
Adopted this		day of		2019.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 564 being “Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2” as adopted by the board of the Comox Valley Regional District on the day of 2019.

Corporate Legislative Officer

Public Notice of Alternative Approval Process

Notice to Electors within Denman Island Community Hall Service regarding Bylaw No. 564. "Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No.2"

OVERVIEW: At its October 2, 2018 meeting, the Comox Valley Regional District (CVRD) Board of Directors proposed to adopt Bylaw No. 564 "Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2" that would amend the Denman Island Community Hall Service by:

- a) Expanding the purpose to provide operational and capital funding for the Community Hall and Denman Activities Centre; and
- b) Increasing the maximum requisition from the greater of \$14,620 or \$0.16 per \$1000 of assessed value to the greater of \$75,508 or \$0.20 per \$1000 of assessed value.

In general terms, the bylaw change would authorize the CVRD to provide funding to help support the operations and capital requirements of the Denman Island Community Hall and the Denman Activities Centre. The bylaw would also increase the maximum amount of taxes that could be collected from property owners to deliver the service.

AREA: The Denman Island Community Hall Service Area includes all of Denman Island.

RATEPAYER IMPLICATIONS: The current maximum requisition is equivalent to \$62.41 for a residential property assessed at \$400,000 whereas the proposed maximum requisition would be equivalent to \$78.01 for the same property. This does not mean that taxes for this service will increase to the maximum available as financial plans are adopted annually based on the service needs at the time. Rather, this change creates the flexibility for the service to respond to public expectations and demands.

ALTERNATIVE APPROVAL PROCESS: In accordance with Section 86 of the Community Charter, the CVRD is seeking the approval of the electors within the Denman Island Community Hall Service Area by means of the Alternative Approval Process (AAP). Therefore, eligible

electors within the service area opposed to the CVRD amending the Denman Island Community Hall Service may petition against the adoption of Bylaw No. 564 by signing an elector response form, which may be obtained from the Comox Valley Regional District. The number of eligible electors within the boundaries of the service area has been fairly determined to be 926 and the number of valid elector response forms required to prevent the adoption of Bylaw No. 564 without first obtaining the assent of the electors by referendum is 93.

ELECTOR RESPONSE FORMS: Elector responses must be in the format established by the Board of Directors. Forms may be obtained from the CVRD or from its website at comoxvalleyrd.ca/aap and may only be signed by electors of the Denman Island Community Hall Service area.

DEADLINE: The deadline for delivering the signed elector response forms to the CVRD is 4:30 pm on January 17, 2019. Emailed or faxed copies are acceptable however they must include the elector's signature. Forms must be received by the deadline in order to be counted.

Copies of Bylaw No. 564 and records relating to the bylaw may be obtained from the CVRD offices at 600 Comox Road, Courtenay, BC during regular office hours Monday to Friday (excluding public holidays) from the date of this notice until January 17, 2019 or from the website at comoxvalleyrd.ca/aap

For further information, or to obtain the elector response forms, contact the Comox Valley Regional District office at 600 Comox Road, Courtenay, BC V9N 3P6 or by telephone at 250-334-6000, toll-free at 1-800-331-6007 or by e-mail at administration@comoxvalleyrd.ca



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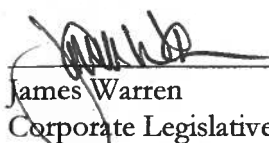
Re: Certification of Alternative Approval Process

I, James Warren, Corporate Legislative Officer of the Comox Valley Regional District, do hereby certify the results of the Alternative Approval Process that was conducted to obtain the approval of the electors for Bylaw No. 564 being "Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2" for the purpose of expanding the service in order to also provide funding for the Denman Activity Centre and increase the maximum requisition by 25 per cent, as follows:

926	Estimated number of eligible electors located within the service area
93	Estimated number of eligible elector responses required to oppose adoption of Bylaw No. 564 unless an assent vote (referendum) is held
1	Number of elector response forms submitted by the deadline (January 17, 2019 4:30 p.m.)
0	Number of elector response forms rejected
1	Number of elector response forms accepted

In accordance with Section 86 of the Community Charter, I hereby determine and certify that the approval of the electors for Bylaw No. 564 was obtained.

Certified this 21st day of January, 2019.


 James Warren
 Corporate Legislative Officer