



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: PAULA MASON, MANAGER OF CORPORATE SERVICES **FILE NO:** 1760-20
SUBJECT: APPROVAL TO PROCEED TO AN ALTERNATIVE APPROVAL PROCESS **REPORT NO:** 22- 75
ATTACHMENT(S): APPENDIX A - LOAN AUTHORIZATION BYLAW 1304, 2022
APPENDIX B - INSPECTOR OF MUNICIPALITIES – STATUTORY APPROVAL CERTIFICATE
APPENDIX C - STATUTORY NOTICES TO ELECTORS
APPENDIX D - ELECTOR RESPONSE FORM

RECOMMENDATION(S):

WHEREAS the District of Ucluelet has given three readings to Loan Authorization Bylaw No. 1304, 2022 which proposes that authorization be given to borrow upon the credit of the municipality a sum not exceeding thirteen million dollars (\$13,000,000) to finance the costs of the development of a water treatment system for the District’s well fields, surface water supply and increasing of the District’s water storage capacity, which will be repaid over a period not to exceed thirty (30) years;

AND WHEREAS the District of Ucluelet cannot adopt Bylaw No. 1304, 2022 until the approval of the electors has been obtained;

THEREFORE BE IT RESOLVED THAT Council direct the Corporate Officer to undertake an Alternative Approval Process to determine the opinion of the electors with regard to the matter; and

THAT Council establish a period of 30 days, from July 7, 2022 to August 8, 2022, for the submitting and receiving of Elector Response Forms; and

THAT Council approve the Elector Response Form, attached to Staff Report number 22-75 for conducting the Alternative Approval Process for Loan Authorization Bylaw No. 1304, 2022; and

THAT Council establish 2060 electors as the number of electors for the District of Ucluelet.

BACKGROUND:

On March 15, 2022, Council gave first, second and third readings to Water System and Filtration Improvements project Loan Authorization Borrowing Bylaw No. 1304, 2022. (**“Appendix A”**) A certified copy of the bylaw was forwarded to the Ministry of Municipal Affairs and Housing, Governance and Structure Branch (the Ministry) for provincial staff review and approval by the Inspector of Municipalities. Following completion of the Ministry staff’s review of the documentation for legislative compliance and financial viability, the Inspector of Municipalities gave his final approval on May 31, 2022 and issued the attached statutory approval certificate. (**“Appendix B”**)

Now that Ministerial approval is granted, the District of Ucluelet can proceed with the next steps in the Alternative Approval Process (AAP). As required under the *Community Charter*, Council must establish the deadline for receiving Elector Response Forms, approve the Elector Response Forms and establish the number of eligible electors in the District of Ucluelet.

ANALYSIS OF OPTIONS

1. Statutory Notice of the AAP

The attached Statutory Notice to Electors for the AAP must be published in accordance with section 94 of the *Community Charter* and must include:

- (a) a general description of the proposed bylaw, agreement or other matter to which the approval process relates;
- (b) a description of the area to which the approval process applies;
- (c) the deadline for elector responses in relation to the approval process;
- (d) a statement that the council may proceed with the matter unless, by the deadline, at least 10% of the electors of the area indicate that the council must obtain the assent of the electors before proceeding;
- (e) a statement that elector responses must be given in the form established by the council, elector response forms are available at the municipal hall, and the only persons entitled to sign the forms are the electors of the area to which the approval process applies; and
- (f) the number of elector responses required to prevent the Council from proceeding without the assent of the electors.

The attached statutory notices are scheduled to be published in the June 29, 2022 and July 6, 2022 editions of the *Westerly News* newspaper. (“**Appendix C**”)

2. Elector Response Form

In accordance with [section 86\(3\)\(b\)](#) of the *Community Charter*, Council must establish an Elector Response Form. The Elector Response Form (“**Appendix D**”) must contain the following: sufficient information to ensure that the person signing is an eligible elector entitled to participate in the AAP, must provide a clear description about the nature of the proposal so that electors understand enough about the matter to make an informed response, and must clearly state that if at least 10% of the eligible electors within the area defined in the AAP submit responses, that Council may not proceed with the matter unless elector approval is subsequently obtained by assent voting (i.e. referendum).

3. Establish the deadline for receiving Elector Response Forms

Council must establish the deadline for receiving Elector Response Forms on a date that is at least 30 days from the day on which second notice was published. [Sections 25 to 25.5](#) of the *Interpretation Act* stipulate how the deadline is to be determined. In this AAP, the Electoral Response Period would run from **July 7, 2022 until August 8, 2022**. As the deadline day naturally falls on a weekend (Saturday, August 6, 2022) it must be extended to the next business day of August 8, 2022.

4. Determine the number of Eligible Electors

As the area defined for this AAP includes the entire municipality, every eligible resident elector and non-resident property elector can sign their name to an elector response form (see Attachment 4 for details on elector eligibility).

The following criteria must be met in order to be considered an eligible elector:

1. **Resident Elector:** When signing an elector response form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.
2. **Non-resident Property Elector:** When signing an elector response form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law. In addition,
 - A) only one owner can sign the elector response form when a property is owned by more than one registered owner. That owner must have the written consent of a majority of the other property owner(s) to sign the response form.
 - B) where such property is owned in whole or in part by a corporation, no one is eligible to sign the elector response form. [LGA, section 66]

The estimated number of eligible electors within the area defined for this AAP is based on information from two sources:

- a) Provincial Voters List - to determine resident electors (1615); and
- b) Property Tax Notice data from the District of Ucluelet's Finance department – to determine non-resident electors (445).

In accordance with *Local Government Act, section 66*, duplicate addresses, property owners who live outside of British Columbia and corporations have been removed from the property tax notice data used to determine eligible non-resident voters. Residents of Ucluelet were also removed from this data, as they are already recognized on the provincial voters list.

This data will be reproduced on the first day of the Elector Response Period (July 7, 2022) to ensure that electors who have owned property or have lived in the electoral area within 30 days of signing the elector response form, are accurately captured.

Using the methods as detailed above, the total number of Eligible Electors for this AAP is **2,060**. Therefore, if more than **206** (10%) of eligible electors respond, Council must proceed to assent voting (or referendum).

5. Determining the Result of the AAP

DISTRICT OF UCLUELET
Loan Authorization Bylaw 1304, 2022

A bylaw to authorize the borrowing to complete a water treatment project.

WHEREAS it is deemed desirable and expedient to construct a water treatment system for the District's well fields, surface water supply and increase water storage capacity;

AND WHEREAS the estimated cost of the water treatment project including expenses incidental thereto is the sum of twenty million dollars (\$20,000,000) of which the sum of thirteen million dollars (\$13,000,000) is the maximum amount of debt intended to be borrowed by this bylaw;

1. **NOW THEREFORE** the Council of the District of Ucluelet in open meeting assembled enacts as follows: This bylaw may be cited as the "Loan Authorization Bylaw No. 1304, 2022".
2. The District of Ucluelet is hereby authorized to borrow upon the credit of the Municipality a sum not to exceed thirteen million (\$13,000,000).
3. The entire amount authorized to be borrowed pursuant to this bylaw is for the purpose of carrying out the development of a water treatment system for the District well fields, surface water supply and increased water storage capacity and to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the development of a water treatment system for the Districts well fields, surface water supply and increasing of the Districts water storage capacity.
4. The maximum term of which debentures may be issued to secure the debt created by this bylaw is thirty (30) years.

READ A FIRST TIME this **15th** day of **March, 2022**.

READ A SECOND TIME this **15th** day of **March, 2022**.

READ A THIRD TIME this **15th** day of **March, 2022**.

Received the approval of the Inspector of Municipalities this **31st** day of **May, 2022**.

Received the Assent of the Electors of the District of Ucluelet this ___ day of ____ 2022.

Reconsidered and ADOPTED this ** day of ***, 20**.

Mayco Noël
Mayor

Duane Lawrence
Corporate Officer

CERTIFIED CORRECT; "District of Ucluelet Loan Authorization Bylaw No. 1304, 2022".

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
in the presence of:

Duane Lawrence
Corporate Officer



Statutory Approval

Under the provisions of section _____ 179 _____

of the _____ Community Charter _____

I hereby approve Bylaw No. _____ 1304 _____

of the _____ District of Ucluelet _____,

a copy of which is attached hereto.

Dated this 31st *day*

of May *,* 2022

A handwritten signature in blue ink, appearing to be "B. Bell", written over a horizontal line.

Deputy Inspector of Municipalities



NOTICE TO ELECTORS OF THE DISTRICT OF UCLUELET OF AN ALTERNATIVE APPROVAL PROCESS

Notice is hereby given that pursuant to the *Community Charter*, this is the first of two notices to advise electors in the District of Ucluelet, of the intention to adopt Loan Authorization Bylaw No. 1304, 2022. The purpose of the bylaw is to borrow an amount not to exceed \$13,000,000 (13 million dollars) to be repaid over a period not exceeding 30 years in order to finance the costs of the development of water treatment systems within the District of Ucluelet. A copy of Loan Authorization Bylaw No. 1304, 2022 and a summary of the proposal are available from the local government's offices during each business day of the week between 8:00am and 4:00pm.

Further notice is hereby given that the District of Ucluelet may proceed with the adoption of Loan Authorization Bylaw No. 1304, 2022, borrow the money and undertake the development of water treatment systems within the District of Ucluelet unless, by **4:00PM on August 8, 2022**, at least 10% of the electors in the District of Ucluelet sign an Elector Response Form, opposing the implementation of the proposal, indicating that Council must obtain the assent of the electors (referendum) before proceeding. The number of elector responses required to prevent the District of Ucluelet from proceeding unless a vote is held, is estimated to be 206. A report respecting the basis on which this determination was made is available upon request from the local government.

Elector responses are required to be submitted to the local government on forms that can be obtained during regular business hours (Monday through Friday from 8:30am – 4:00pm) from the District of Ucluelet Municipal office, located at:

**200 Main Street,
Ucluelet BC, V0R 3A0**

The form can also be downloaded from the District of Ucluelet's Alternate Approval Process webpage at <https://ucluelet.ca/community/district-of-ucluelet-council/alternate-approval-process> The only Elector Response Forms that will be accepted by the local government are the ones provided by the District of Ucluelet, or an accurate copy of the form.

Only electors of the District of Ucluelet are eligible to sign the Elector Response Form. There are two types of electors – **resident electors and non-resident property electors**.

Resident Elector: When signing an Elector Response Form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Non-resident Property Elector: When signing an Elector Response Form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an Elector Response Form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

Resident electors signing the Elector Response Form must provide their name and address.

Non-resident property electors must provide their name and the address of the property in relation to which they are entitled to register as a non-resident property elector. The local government will not share the information on the form with anyone other than the Corporate Officer, or other person designated by the Corporate Officer.

For more information on elector qualifications, please contact the District of Ucluelet's Corporate Service department. Elector Response Forms can be submitted:

In Person: 200 Main Street, Ucluelet BC V0R 3A0

Via Mail: PO Box 999, Ucluelet BC V0R 3A0

Via E-mail: info@ucluelet.ca



NOTICE TO ELECTORS OF THE DISTRICT OF UCLUELET OF AN ALTERNATIVE APPROVAL PROCESS

Notice is hereby given that pursuant to the *Community Charter*, this is the second of two notices to advise electors in the District of Ucluelet, of the intention to adopt Loan Authorization Bylaw No. 1304, 2022. The purpose of the bylaw is to borrow an amount not to exceed \$13,000,000 (13 million dollars) to be repaid over a period not exceeding 30 years in order to finance the costs of the development of water treatment systems within the District of Ucluelet. A copy of Loan Authorization Bylaw No. 1304, 2022 and a summary of the proposal are available from the local government's offices during each business day of the week between 8:00am and 4:00pm.

Further notice is hereby given that the District of Ucluelet may proceed with the adoption of Loan Authorization Bylaw No. 1304, 2022, borrow the money and undertake the development of water treatment systems within the District of Ucluelet unless, by **4:00PM on August 8, 2022**, at least 10% of the electors in the District of Ucluelet sign an Elector Response Form, opposing the implementation of the proposal, indicating that Council must obtain the assent of the electors (referendum) before proceeding. The number of elector responses required to prevent the District of Ucluelet from proceeding unless a vote is held, is estimated to be 206. A report respecting the basis on which this determination was made is available upon request from the local government.

Elector responses are required to be submitted to the local government on forms that can be obtained during regular business hours (Monday through Friday from 8:30am – 4:00pm) from the District of Ucluelet Municipal office, located at:

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The form can also be downloaded from the District of Ucluelet's Alternate Approval Process webpage at <https://ucluelet.ca/community/district-of-ucluelet-council/alternate-approval-process> The only Elector Response Forms that will be accepted by the local government are the ones provided by the District of Ucluelet, or an accurate copy of the form.

Only electors of the District of Ucluelet are eligible to sign the Elector Response Form. There are two types of electors – **resident electors and non-resident property electors**.

Resident Elector: When signing an Elector Response Form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Non-resident Property Elector: When signing an Elector Response Form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an Elector Response Form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

Resident electors signing the Elector Response Form must provide their name and address.

Non-resident property electors must provide their name and the address of the property in relation to which they are entitled to register as a non-resident property elector. The local government will not share the information on the form with anyone other than the Corporate Officer, or other person designated by the Corporate Officer.

For more information on elector qualifications, please contact the District of Ucluelet's Corporate Service department. Elector Response Forms can be submitted:

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Via Mail: PO Box 999, Ucluelet BC V0R 3A0

Via E-mail: info@ucluelet.ca



ELECTOR RESPONSE FORM
Alternative Approval Process (AAP)
Loan Authorization Bylaw No. 1304, 2022

Pursuant to Section 86 of the *Community Charter*, the District of Ucluelet is proposing to seek approval of the electors by alternative approval process.

By completing this Elector Response Form, I **OPPOSE** the District of Ucluelet's intention to adopt Loan Authorization Bylaw No. 1304, 2022 which authorizes the borrowing of up to \$13,000,000 (13 million dollars) to be repaid over a period not exceeding 30 years, in order to finance the costs of the development of water treatment systems within the District of Ucluelet, without first obtaining the assent of the electors by way of assent voting (referendum).

Full name of elector _____ (please print)
(e.g. Donald Smith – not D. Smith)

Signature _____

Address _____

Choose one: I am a resident elector (see reverse for eligibility requirements)

I am a non-resident property elector who lives in another community and owns property in the jurisdiction located at:

_____ (address)

_____ (see reverse for additional eligibility requirements)

The deadline for submitting this Elector Response Form to the District of Ucluelet is 4:00PM on August 8, 2022.

The address for submission is:

In Person: 200 Main Street, Ucluelet BC V0R 3A0

Via Mail: PO Box 999, Ucluelet BC V0R 3A0

Via E-mail: info@ucluelet.ca

The District of Ucluelet may proceed with the adoption of Loan Authorization Bylaw No. 1304, 2022 unless 10% (206) of eligible electors sign and submit a completed copy of this Elector Response Form to the local government by the deadline.

A person must not sign more than one Elector Response Form in relation to this alternative approval process. Personal information contained on this form is collected under the *Freedom of Information and Protection of Privacy Act* and will be used only for the purpose of this transaction.

Additional information can be found on the reverse side of this form about the subject of this alternative approval process as well as the Elector Qualifications.

The District of Ucluelet intends to adopt Loan Authorization Bylaw No. 1304, 2022. The purpose of the bylaw is to borrow an amount not to exceed \$13,000,000 (13 million dollars) to finance the cost of the development of water treatment systems within the District of Ucluelet, that will be repaid over a period not to exceed 30 years.

A copy of Loan Authorization Bylaw No. 1304, 2022 and a report summarizing the project is available from the local government's offices during each business day of the week between 8:30am and 4:00pm.

NOT OPPOSED – if you are NOT OPPOSED you need do nothing.

OPPOSED – if you are OPPOSED to the adoption of Loan Authorization Bylaw No. 1304, 2022 you can sign and submit an Elector Response Form, if you qualify as an elector of the District of Ucluelet.

Additional Information About Elector Eligibility

In order to sign an Elector Response Form in relation to the alternative approval process, a person must either be a resident elector or a non-resident property elector.

A **resident elector** is an individual who is entitled to sign an Elector Response Form during an AAP by virtue of living within that jurisdiction. When signing an Elector Response Form, a resident elector must:

- be 18 years of age or older;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- live in the area defined for the AAP; and,
- not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

A **non-resident property elector** is an individual that does not live in a jurisdiction and who is entitled to sign an Elector Response Form during an AAP by virtue of owning property in that jurisdiction. When signing an elector response form, a non-resident property elector must:

- be at least 18 years of age;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- own property in the area defined for the AAP; and,
- not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an Elector Response Form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

District of Ucluelet

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