



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
REQUEST FOR DECISION

DATE: January 16, 2024 FILE: 4200-30
TO: Graham Statt, Chief Administrative Officer
FROM: Kendra Kinsley, Corporate Officer
SUBJECT: Loan Authorization (Wastewater Treatment Plant Upgrades – Primary Clarifer)
Bylaw No. 2024-005

STAFF RECOMMENDATION:

That Council pass the following resolution(s):

THAT Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005 be read a first, second and third time and forwarded to the Inspector of Municipalities for approval;

AND THAT Council authorizes an alternative approval process in accordance with section 86 of the Community Charter be used for the purpose of seeking approval of the electors in relation to Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005;

AND THAT Council approves the determination of the total number of electors of the area to which the alternative approval process applies for Loan Authorization Bylaw (Wastewater Treatment Plant Upgrades) No. 2024-005 as 1,013 electors, on the basis described in the report from the Corporate Officer, titled “Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005”, dated January 16, 2024;

AND THAT Council approves the Elector Response Form as attached in the report from the Corporate Officer, titled “Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005”, dated January 16, 2024, and establishes a deadline of Tuesday April 9th, 2024 for receiving Elector Response Forms for the alternative approval process for Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005;

AND FURTHER THAT Council directs the Corporate Officer to report the results of the alternative approval process for Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005 at a Special Council Meeting on Thursday, April 11th, 2024 at 10:00am, and if approval of the electors has been obtained, to return Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005 for Council’s consideration of adoption.

STRATEGIC PRIORITY:

To Protect and Enhance Core Infrastructure and Essential Services
To Provide Good Governance

CULTURAL IMPACT STATEMENT:

N/A

PURPOSE:

To consider the first three readings of Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005 and to obtain Council's approval for using an alternative approval process to obtain approval of the electors for the Bylaw.

DISCUSSION:

Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005

Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005, will authorize the debt financing to provide the necessary funds to complete the Wastewater Treatment Plant Upgrades, including the construction of a new primary clarifier.

Overview of Approval of Electors:

Long-term borrowing by local governments cannot be undertaken without the loan authorization bylaw being approved by the Inspector of Municipalities after the bylaw is given first three readings by the local government. In addition, approval of the electors is then required before Council may consider adopting the long-term loan authorization bylaw.

The Province has provided a legislative framework for local governments to seek approval of the electors for long-term loan authorization bylaws in one of two ways:

1. by holding a referendum to obtain assent of the electors; and
2. by holding an alternative approval process.

Assent of the Electors through the Referendum Process:

Under this option, assent of the electors is obtained through a referendum. A referendum is a voting process that is governed by the *Local Government Act* and is similar to the process for conducting a general local election.

In order to conduct a referendum, Council must appoint a Chief Election Officer and Deputy Chief Election Officer who are responsible for the administration and conduct of the referendum. The Chief Election Officer then sets the general voting day for the referendum which must be a Saturday within 80 days of the loan authorization bylaw receiving third reading and receiving approval of the Inspector of Municipalities. Additionally, 2 advance voting opportunities must be held as well potential special voting opportunities and mail ballot voting processes.

The ballot for the referendum must be in the form of a question put to the electors that is phrased in a manner such that it may be answered by marking either yes or no. Council must approve of the wording of the question to be printed on the ballot.

A loan authorization bylaw is deemed to have received the assent of the electors if a majority of the votes counted are in favour of the question. If a majority of the votes counted are opposed to

the question, then a bylaw for the same purposes may not be submitted to the electors for approval within a period of 6 months, except with the Province's approval.

Approval of the Electors through the Alternative Approval Process:

The alternative to holding a referendum is the alternative approval process (AAP), which is governed by the *Community Charter*. The process for conducting an AAP involves publication of a notice on a local newspaper once a week for two consecutive weeks. The notice will also be posted in the Public Notice Posting Places, as identified in the Council Procedures Bylaw.

Council must make a fair determination of the total number of electors within the District. Typically, the calculation of the number of electors within the District is based on information provided by Elections BC. More information of this determination is included in subsequent section of this report.

Electors are given the opportunity to indicate they are opposed to Council proceeding with the adoption of the loan authorization bylaw by signing and submitting an Elector Response Form, the wording of which must be approved by Council.

Council must set a deadline for Elector Response Forms to be submitted. The deadline must be at least 30 days after the second publication of the notice in a newspaper. If an elector is in favour of Council adopting the loan authorization bylaw, then they would not have to do anything. If an elector is opposed to the loan authorization bylaw, or they do not want Council to proceed to adopt the bylaw without a referendum being held, then they must express that opinion to the District by signing and submitting an Elector Response Form by the deadline.

The Corporate Officer is responsible for determining and certifying the results of the alternative approval process. If 10% of the total number of electors within the District submit valid Elector Response Forms by the deadline, then Council may not proceed with the adoption of the loan authorization bylaw unless approval of the electors is obtained through a referendum.

Staff recommends that an alternative approval process be used to obtain approval of the electors for the District of Summerland Loan Authorization Bylaw (Wastewater Treatment Plant Upgrades) No. 2024-005.

Determination of Total Number of Electors within the District:

The *Community Charter* requires that Council make a fair determination of the total number of electors in the District. It is recommended that the calculation of the numbers of electors in the District be based on information provided by Elections BC, a non-partisan independent public agency that maintains an up -to-date list of registered electors. According to Elections BC, the total number of registered electors within the District of Summerland as of December 20, 2023 is 10,130. This is the most recent provincial voters list extract.

Approval of the electors for Bylaw No. 2024-005 would be obtained if the number of Elector Response Forms for Bylaw No. 2024-005 received by the deadline is less than 1,013 (10% of 10,130).

Alternative Approval Process Schedule:

The following schedule has been prepared regarding the alternative approval process for *Loan Authorization (Wastewater Treatment Plant Upgrades) Bylaw No. 2024-005*:

| Date | Activity |
|--|--|
| Thursday, February 29 th , 2024 | Publication of First Notice in a Newspaper |
| Thursday, March 7 th , 2024 | Publication of Second Notice in a Newspaper |
| Tuesday, April 9 th , 2024 @ 5:00pm | Deadline for submitting Elector Response Forms |
| Thursday, April 11 th , 2024 | Corporate Officer reports Results on the Alternative Approval Process at a Special Council Meeting |

BACKGROUND:

At the December 19, 2023 Regular (Evening) Meeting of Council, Council directed staff to initiate the process of obtaining debt financing for the Wastewater Treatment Plant Upgrades including the construction of a new primary clarifier. Council passed the following resolution:

“THAT staff be directed to initiate the process of debt financing for Option ‘B’ as outlined in the December 19, 2023 Wastewater Treatment Plant Primary Clarifier – Financing Options Report to Council from the Director Finance, with annual debt payments to be collected through a sewer rate increase”.

LEGISLATION and POLICY:

- *Community Charter* s. 86, 179, 180 and 182

FINANCIAL IMPLICATIONS:

The full cost of the Wastewater Treatment Plant Primary Clarifier project is budgeted at \$2,732,000. During 2024 budget discussions Council resolved to utilize \$1,500,000 of capital reserves to lower the cost of borrowing down to \$1,232,000. This revised borrowing amount is to be recovered over a 20-year amortization period. Until the Municipal Finance Authority (MFA) goes to market, the actual interest rate can only be estimated. As such, the interest rate used in estimating annual loan repayments was 4.51% (based on MFA’s 20-year indicative rate as of December 5, 2023).

Reviewed by Financial Services:


Estimated annual debt payments of \$98,240 are proposed to be recovered through a 5.66% sewer rate increase. The estimated cost to users will be approximately \$24.94 per year.

SUPPORTING DOCUMENTS:

1. Loan Authorization Bylaw No. 2024-005
2. Elector Response Form
3. December 19, 2023 Report to Council

CONCLUSION:

Staff recommend Council pass the recommendations outlined above in this report if Council wishes to proceed with an alternative approval process to debt finance the Wastewater Treatment Plant Upgrades project.

OPTIONS:

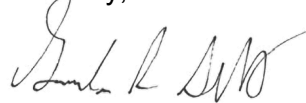
1. Move the motion as recommended by staff.
2. Refer to staff for other options.

Respectfully submitted,



Kendra Kinsley
Corporate Officer

Endorsed by,



Graham Statt
Chief Administrative Officer

Presentation: Yes No