



Request for Decision

Area A Asset Preservation Service Establishment Bylaw No. 1342-2014

Date of Meeting: July 14/28, 2014

Recommendation:

1. THAT Bylaw No. 1342-2014, cited as "Area A Asset Preservation Service Establishment Bylaw No. 1342-2014", be introduced and read a first, second and third time;
2. THAT Bylaw No. 1342-2014, this report and all supporting documents be forwarded to the Inspector of Municipalities for approval pursuant to section 801 of the *Local Government Act*;
3. THAT the Board approve the Notice of Alternative Approval Process ("AAP") attached hereto establishing:
 - (a) September 22, 2014 as the deadline for receiving elector responses;
 - (b) The elector response form as a single elector response on each form and available at the SLRD office and the SLRD website from the time of first publication to the deadline of September 22, 2014; and
 - (c) 654 as the total number of electors of Electoral Area A, the area to which the alternative approval process applies;
4. THAT this report, which includes the basis upon which the determination was made of the total number of electors of Electoral Area A, be made available to the public at the offices of the SLRD and on the SLRD website;
5. THAT the Board adopt the Alternative Approval Process Policy permitting elector responses to be received by the SLRD in any one of the following manners:
 - (a) In person at: 1350 Aster Street, Pemberton, BC (Monday to Friday, 8:00 AM - 4:30 PM, excluding Statutory Holidays);
 - (b) Via mail to: Box 219, Pemberton, BC, V0N 2L0;
 - (c) Via fax at: 604-894-6526; or
 - (d) Via email attachment to: info@slrd.bc.ca with the subject heading: "Elector Response".

Attachments:

- Estimate of Electors
- Draft of Area A Asset Preservation Service Establishment Bylaw No. 1342-2014;
- Notice of Alternative Approval Process;
- Elector Response Form;
- Alternative Approval Process Policy

Key Issue(s)/Concepts Defined:Background

The purpose of this bylaw is to provide for the protection, preservation and maintenance of community assets and amenities in Area A. Funds contributed pursuant to this bylaw may be used for both capital and operational expenditures to protect, preserve and maintain community assets, such as gateway entrance signage and kiosks, community halls, recreation facilities, trails and other community assets and amenities.

Under Bylaw No. 1342-2014, the maximum requisition amount for this service would be \$25,000 or \$0.1431/\$1,000 of the net taxable value of land and improvements.

The Board directed staff to review options for the potential establishment of a new Area A service to assist in the maintenance and preservation of community assets and amenities in Area A. Although most of these assets and amenities are managed within the community, there has not been adequate funding to maintain these facilities properly and without a secure and stable source of funding, they will deteriorate to the detriment of the community.

On May 26, 2014, the Board resolved:

THAT “Bridge River Valley Economic Development Society Contribution Service Establishment Bylaw No. 958-2005” be amended to incorporate an Area A Amenity Fund Service to maintain and preserve community assets.

The society, now known as the Bridge River Valley Community Association, already has the knowledge and capacity to undertake these additional responsibilities and are better positioned than staff to manage and perform these functions. An analysis of the costs associated with these additional obligations determined that about \$25,000 per year would be a reasonable amount to accomplish these added functions.

However, the staff at the Ministry of Community, Sport and Cultural Development (CSCD) has since recommended that the preservation of assets functions be established as a separate service rather than as an amendment to the existing economic development service, notwithstanding that financial contributions for the service will flow to the same non-profit society. This draft bylaw reflects this change and has been sent to the Ministry for preliminary review – if there are any further changes required or recommended, they can be considered by the Board at the meeting on July 28, 2014.

The Statutory Requirements

The *Local Government Act* requires participating area approval via either:

- a) Assent of the electors by voting; or
- b) Alternative Approval Process.

In either event, the establishing bylaw must be approved by the Inspector of Municipalities prior to submission of the bylaw to the electors.

Why an Alternative Approval Process or AAP?

Where many of the electors are non-resident property owners (in this case almost 73%) the electors and the Inspector should look favourably on a request from the Board to seek approval by way of Alternate Approval Process, particularly if the Board adopts generous terms for the manner within which Elector Response Forms may be submitted (i.e.: via fax or email within 30 days of the 2nd publication notice instead of only via regular post, courier, or personal delivery).

An AAP allows the Board to better understand whether or not the community views an initiative as “significant” and if that decision then needs to be taken to a referendum for broader citizen engagement. If 10% or more of the eligible electors in Area A sign and submit the elector response form (i.e. oppose the establishment of the service), then the Board will know that the community views this proposal as significant and if the Board wishes to further pursue the establishment of this service, the Board would then have to place the matter before the electorate by way of referendum in the general election on November 15, 2014 to determine if the initiative can proceed.

Under the terms of the Notice of Alternative Approval Process and the Elector Response Forms included herein for consideration of the Board, the most favourable terms possible have been drafted to enable electors to respond if they wish to register their disapproval of the bylaw (i.e. in person, by mail, by fax or by email). In addition, all materials will be available for viewing and downloading from the SLRD website.

If the matter were to be put straight to referendum, it is expected that far fewer electors would have an opportunity to register their opposition due to the large percentage of non-resident property owners and due to the SLRD not having a mail-in voting bylaw.

Relevant Policy:

The SLRD does not presently have a policy with respect to Alternative Approval Processes. In the unpublished draft Ministry guide “Alternative Approval Process: A Guide for Local Governments in British Columbia”, for which staff provided referral comments, it is recommended that if a local government wishes to permit the submission of elector response forms via fax and/or email, that the Council or Board adopt a policy allowing for these methods of submission by electors. The Ministry advisor was very happy to see the attached draft Policy, provided here for the Board’s consideration.

Strategic Relevance:

There are a great many community assets and amenities that exist in the Bridge River Valley which are currently underfunded, poorly maintained and which local volunteers are struggling to preserve, let alone build upon. Preventing the wasting of community infrastructure and enabling the principal local non-profit organization to maintain and preserve such assets aligns with the Board's Strategic Plan, particularly with respect to the alignment of long term funding with required services.

Examples of Community Assets and Amenities which could be funded under this bylaw include:

- a) Bralorne Fire Department Building;
- b) Bralorne Community Hall;
- c) Boulton Memorial Church;
- d) Bralorne Ball Diamond;
- e) Sunshine Mountain Recreation Area Chalet;
- f) Gold Bridge Community Club and Golf Course;
- g) Gold Bridge Community Resource Building;
- h) Gold Bridge Welcome Sign;
- i) Gateway Entry Kiosks;
- j) Signage Installation, Removal and Maintenance;
- k) Haymore Heritage Site;
- l) Bridge River Valley Cemetery;
- m) Trail Infrastructure and Maintenance; and
- n) Bear-Proof Waste Receptacles and Refuse Pickup.

Desired Outcome(s):

- (a) Greater capacity for the BRVCA to provide protection, preservation and maintenance of community assets and amenities; and
- (b) Favourable terms for electors to respond if they wish to register their disapproval of the proposed bylaw.

Response Options:

- (1) Approve the Recommendations as presented;
- (2) Instruct staff to bypass the AAP process and prepare a Referendum question for the November 15, 2014 general election;
- (3) Provide staff with additional or alternate directions;
- (4) Refer the matter back to staff for further investigation or information.

Preferred Strategy: (1) Approve the Recommendations as presented.

Implications of Recommendation**General:**

As noted above.

Organizational:

The AAP steps are as follows:

- The Board gives first three readings of the bylaw, which is then forwarded to the Inspector of Municipalities for approval;
- Upon approval, the notice must be advertised in two issues of the local newspaper;
- There must be at least a thirty-day period between publication of the second advertisement and the deadline for receipt of alternative approval forms from electors who oppose the service area establishment;
- Once the deadline has passed, the responses are validated, and the Corporate Officer brings a report forward to the Board called the "Certificate of Sufficiency", in which the total number of valid responses received is given. If the total of those opposed to the establishment of the service is at least 10% of the estimated number of electors (in this case, 65 or more electors), the Board is not permitted to proceed with the matter unless it is approved by the electorate through a referendum. If the total does not reach 10% of the estimated number of electors, the Board may proceed with adoption of the bylaw.

Financial:

Under Bylaw No. 1342-2014, the maximum requisition amount for this service would be \$25,000 or \$0.1431/\$1,000 of the net taxable value of land and improvements. Thus, for a property valued at \$100,000, the additional tax payable would be \$14.31.

Legal:

If more than 10% of the electors disapprove of the bylaw by September 22, 2014, the matter will be returned to the October 1, 2014 Board meeting for consideration of placing the matter before the electorate in the November 15, 2014 general election by way of referendum. These timelines meet the requirements of the *Local Government Act* to hold a referendum, if desired, within 80 days of the deadline of a failed AAP.

The total number of electors for Electoral Area A is in accordance with the attached estimate of electors, showing 654 with the 10% upset threshold for elector responses rounded down to 65 electors.

Follow Up Action:

Per the Recommendations and any amendments as directed by the Board.

Communication:

As directed by the Board. Publication requirements will result in the Notice of AAP being published in the Lillooet News for 2 consecutive weeks. Staff also recommends placing an ad in the Mountain Telegraph, a local Bridge River Valley monthly publication, as well as publishing the Notice and all documents listed in this report on the SLRD website and via the SLRD's Area A email subscription list.

Other Comments:

None.

Submitted by: *Peter DeJong, Director of Administrative Services and Allison MacDonald, Parks and Trails Coordinator*

Approved by: *Lynda Flynn, Chief Administrative Officer*