



## Request for Decision

### Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018

**Date of Meeting:** Board – July 25, 2018

#### **Recommendations:**

THAT Bylaw No. 1586-2018 cited as “Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018”, be introduced and read a first, second and third time.

THAT Bylaw No. 1583-2018 cited as “Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018” (as at third reading) together with the associated staff report be forwarded to the Inspector of Municipalities for approval pursuant to the *Community Charter* and the *Local Government Act*.

THAT upon receiving approval of the Inspector of Municipalities and as soon as applicable publication deadlines allow, Squamish-Lillooet Regional District (“SLRD”) staff be directed to publish the Notice of Alternative Approval Process in accordance with section 86(3)(a) of the *Community Charter* and SLRD Board Policy No. 3.3 (Alternative Approval Process) including the following information as required by section 86 of the *Community Charter*.

- a. 82 as the total number of electors within the Bralorne Sewer Service Area as established by Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, to which the Alternative Approval Process applies.
- b. the Notice of Alternative Approval Process shall be published in the Bridge River Lillooet News and the Pique Newsmagazine, as well as additional notice provided via the notice board located at the SLRD offices, the SLRD website and the SLRD’s Facebook page;
- c. the deadline for receiving elector responses shall be established as 4:30 p.m. on the next business day following the 30-day statutory elector response period, with the start date of the 30-day statutory elector response period being based upon the second publication date that is the latest in respect of the newspaper noted above;
- d. the elector response form will provide for only a single elector response on each form and will be available at the SLRD offices and on the SLRD website from the first publication date of the Notice of Alternative Approval Process until the deadline of elector response period as determined above; and
- e. elector response forms are able to be submitted in any one of the following manners:



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- i. In person at: 1350 Aster Street – 2nd Floor, Pemberton, BC (Monday to Friday, 8:00 AM - 4:30 PM, excluding Statutory Holidays);
- ii. Via mail to: Box 219, Pemberton, BC, V0N 2L0;
- iii. Via fax at: 604-894-6526; or
- iv. Via email attachment to: [info@slrd.bc.ca](mailto:info@slrd.bc.ca) with the subject heading: "Elector Response".

THAT, in accordance with section 86(4) of the *Community Charter*, the staff report associated with Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018, which includes the basis upon which the determination was made of the total number of electors of the SLRD, be made available to the public. This staff report will be available on the SLRD website as well as at the SLRD offices.

### Key Information

AT the June 27/28, 2018 Board meeting, the Board passed the following resolutions:

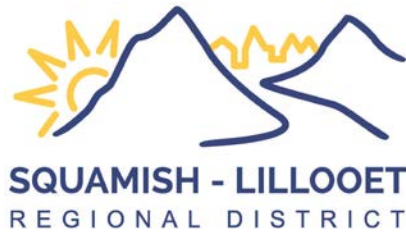
*THAT Bylaw No. 1586-2018 cited as "Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1586-2018", be introduced and read a first, second and third time.*

*THAT Bylaw No. 1586-2018 cited as "Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1586-2018", receive participating area approval and consent of the Electoral Area A Director, pursuant to sections 349 and 347(2) of the Local Government Act.*

*THAT Bylaw No. 1586-2018, cited as "Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1586-2018" (as at third reading) together with the associated staff report be forwarded to the Inspector of Municipalities for approval pursuant to the Community Charter and the Local Government Act.*

*THAT in respect of Cost Centre #1763 (911 North) and Cost Centre #1902 (Lillooet Area Landfill), bylaws be prepared to establish statutory capital reserves, and such bylaws be brought forward to the July 25, 2018 Board meeting for the Board's consideration;*

*THAT upon approval from the Inspector of Municipalities in respect of the new maximum requisition in Bralorne Sewer System Local Service Conversion and Establishment*



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*Bylaw No. 585, 1995, Amendment Bylaw No. 1586-2018, the following occur in respect of the construction of the new Bralorne sewer system:*

1. *Temporary borrowing be undertaken via interfund borrowing under section 377(1)(e) of the Local Government Act and section 189 of the Community Charter (“Interfund Borrowing”), with funds to be drawn (as and if required) from reserve funds (as available) from Electoral Area A services followed by reserve funds from Electoral Area A shared services, in the following order of priority:*

<b>Electoral Area (and Municipality)</b>	<b>Bylaw No.</b>	<b>Cost Centre</b>	<b>Capital Reserve Fund</b>	<b>Maximum Amount to Borrow</b>
A	809-2003	2107	Gold Bridge Community Centre	\$135,000
A	817-2003	2703	Bralorne Water	\$80,000
A	1045-2007	2706	Gold Bridge Water	\$15,000
A, B and District of Lillooet	Pending	1763	911 North	\$117,000
A, B and District of Lillooet	Pending	1902	Lillooet Area Landfill	\$353,000
<b>TOTAL:</b>				<b>\$700,000</b>

2. *The Interfund Borrowing be backstopped (i.e. if such funds are required by the associated capital reserve funds and need to be repaid) by the Board authorizing up to \$700,000 be borrowed, under section 403 of the Local Government Act, from the Municipal Finance Authority, for the purpose of undertaking the construction of the new Bralorne sewer system, and that the loan be repaid within 5 years, with no rights of renewal.*
3. *A loan authorization bylaw for borrowing of up to \$700,000 for a term of 30 years with participating area approval to be obtained by an Alternative Approval Process (“AAP”) to be prepared and brought forward as soon as possible to a future Board meeting for the Board’s consideration and that such report include the following recommendation:*
  - *If the AAP in respect of the loan authorization bylaw fails to obtain participating area approval, the Board authorizes borrowing of up to \$700,000 under section 403 of the Local Government Act, from the Municipal Finance Authority, for the purpose of*



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*undertaking the construction of the new Bralorne sewer system, and that the loan be repaid within 5 years, with no rights of renewal.*

*THAT in order to start the construction of the new Bralorne sewer system before the full amount of funding to undertake construction of the complete system has been secured (i.e. to address the funding shortfall of up to \$700,000), the scope of work for the new Bralorne sewer system be undertaken via a two-phased approach as described below, with the Phase 1 work proceeding immediately and with the Phase 2 work being conditional upon the funding shortfall of up to \$700,000 being resolved by either a long term loan (30 years) with participating area approval by AAP or failing such a short-term loan/Interfund Borrowing (5 years):*

- *Phase 1 "Collection System" - construction of a new collection system tied into the existing septic tanks in Townsite 1, using existing funding (allows for decommissioning of approximately 90% of the original collection system); and*
- *Conditional on securing additional funding, Phase 2 "Waste Water Treatment Plant" - installation of the new secondary Waste Water Treatment Plant and decommissioning of the remaining original collection system (approximately 10% of the original collection system).*

In respect of Bylaw No. 1586-2018 which is the subject of the above resolution and which provided a tax requisition rate of \$189,250 in order to allow for a short-term loan of 5 years if the Alternative Approval Process ("**AAP**") for a 30-year loan did not succeed, in discussions with the Inspector of Municipalities' office, it has been determined that the Inspector is unlikely to approve the bylaw without elector approval. Therefore, staff recommends that the bylaw amendment be re-initiated under this new bylaw amendment number (1594-2018) with elector approval to be obtained via AAP.

### Background

Please see the separate report regarding the Bralorne Wastewater Treatment System Loan Authorization Bylaw No. 1595-2018 attached to this agenda for the background.

### Key Information

The increased requisition amount of \$70,000 under this bylaw is intended to increase the current requisition amount of \$31,250 for the amount of estimated debt servicing of the long-term loan of \$37,743, and then rounded up from \$68,993 to \$70,000. This loan is discussed in more detail in the staff report attached to this agenda previously mentioned.



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### **Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018**

The AAP in respect of Bylaw No. 1594-2018 will be combined with the AAP for the Squamish-Lillooet Regional District Bralorne Wastewater Treatment Plant Loan Authorization Bylaw No. 1595-2018, unless the Inspector of Municipalities requires it be a separate AAP. Due to the potential combination of these AAP's, separate Notice of Alternative Approval Process and Elector Response Form – Alternative Approval Process have not been prepared at this time.

It is estimated that there is a total of 82 eligible resident and non-resident electors in respect of this AAP, with 8 being the number of electoral responses that would prevent the adoption of Bylaw No. 1594-2018 without first proceeding to a referendum.

#### **Follow-Up Action**

As soon as Inspector Approval is received, commence the AAP.

#### **Regional Impacts**

None

#### **Attachments:**

1. *Proposed* Bralorne Sewer System Local Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018
2. Report for Determining the Number of Eligible Electors

**Submitted by:** Kristen Clark, Director of Legislative and Corporate Services

**Approved by:** Lynda Flynn, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT**

**Bylaw No. 1594-2018**

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A bylaw to amend the Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995

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**WHEREAS** the Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995 established a service for providing a sewer system to the community of Bralorne;

**AND WHEREAS** the Regional Board of the Squamish-Lillooet Regional District wishes to increase the maximum annual requisition limit;

**AND WHEREAS** the approval of the Inspector of Municipalities has been received under section 342 of the *Local Government Act*;

**AND WHEREAS** the Regional Board of the Squamish-Lillooet Regional District has received participating area approval under section 342 of the *Local Government Act* by approval of the electors in accordance with section 345 of the *Local Government Act* [approval by alternative approval process];

**NOW THEREFORE**, the Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. Section 5 of Bralorne Sewer System Local Service Conversion and Establishment Bylaw 585, 1995, is deleted and replaced with the following:  

“5. The maximum amount that may be requisitioned annually for this service shall be \$70,000 per annum.”
2. This bylaw may be cited as “Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018”.

READ A FIRST TIME this 25<sup>th</sup> day of July, 2018.

READ A SECOND TIME this 25<sup>th</sup> day of July, 2018.

READ A THIRD TIME this 25<sup>th</sup> day of July, 2018.

APPROVAL of the Inspector of Municipalities received this \_\_ day of \_\_\_\_\_, 2018.

APPROVAL OF THE ELECTORS of the service area received this \_\_\_ day of \_\_\_\_\_, 2018

ADOPTED this \_\_ day of \_\_\_\_\_, 2018.

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Jack Crompton  
Chair

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Kristen Clark  
Corporate Officer

## Report for Determining the Number of Eligible Electors - Alternative Approval Process

The purpose of this report is to show the basis for determining the total number of electors in relation to **Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018** that is the subject of an Alternative Approval Process.

Section 86(3)(c) of the *Community Charter* requires the Squamish-Lillooet Regional District (“SLRD”) Board to make a fair determination of the total number of electors of the area to which the Alternative Approval Process applies (which in this case is the community of Bralorne as established by Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995 (“Service Area”). In addition, pursuant to section 86(4) of the *Community Charter*, the SLRD Board must make available to the public, on request, a report respecting the basis on which the determination was made.

The number of people eligible to be a resident elector or a non-resident property elector is determined based on those individuals who when signing an elector response form:

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

The estimated number of eligible electors within the area defined for the Alternative Approval Process is based on information from various sources (as indicated below), calculated as follows:

Estimated population of Bralorne within the Service Area [see (1) below]:	36
Estimated number of people 18 years of age or older [see (2) below]:	33
Add estimated # of non-resident property electors [see (3) below]:	<u>49</u>
Estimated total # of eligible electors in the area defined for the Alternative Approval Process	<u>82</u>
Ten percent of the total # of eligible electors is estimated to be:	<b>8</b>

Therefore the required number of elector responses (i.e. 10% or more) to prevent the SLRD Board from adopting **Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1594-2018** via the Alternative Approval Process is 8.

**Sources:**

1. The total estimated population within the Service Area was derived from information obtained from the Statistics Canada website, based on the 2016 Canadian census, and BC Assessment tax roll information. The estimated population of the Service Area is 36.
2. The estimated number of people 18 years of age or older within the Service Area was derived from information provided by the Electoral Area A Director regarding the number of children attending the local elementary school that are from the Service Area.. The estimated number of people 18 years of age or older within the Service Area is 33.
3. In respect of the Service Area, the number of non-resident property electors is estimated to be 49 based on an analysis of BC Assessment tax roll information and the requirement that a person may register as a non-resident elector only in relation to one parcel of real property in an electoral area.