

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, SEPTEMBER 30, 2008**

**CIRCULATED REPORT
FOR AGENDA**

PAGES

ADMINISTRATOR'S REPORTS

2-5 Results of Elector Response Opportunity for Boundary Changes to the
Yellowpoint/Waterloo Fire Protection Service. (All Directors – One Vote)

TO: C. Mason
Chief Administrative Officer

DATE: September 29, 2008

FROM: N. Avery
General Manager, Finance & Information Services

FILE:

SUBJECT: Results of Elector Response Opportunity for Boundary Changes to the Yellowpoint/Waterloo Fire Protection Service

PURPOSE:

To report on the results of seeking elector approval for boundary changes and borrowing authority with respect to the Yellowpoint/Waterloo Fire Protection Service and to obtain approval to place a question on this topic, for assent of the electors, at the local government elections on November 15, 2008.

BACKGROUND:

Electors in the Yellowpoint/Waterloo Fire Protection Service Area were asked to support a number of changes to the boundaries for fire protection using the alternative approval process outlined in the *Community Charter*. The response period expired at the end of the day, Monday September 22, 2008 and the results are as follows:

The following change would have applied to properties in the Cedar/Yellowpoint area:

- 1) Properties in the Cedar/Yellowpoint area would be combined with the North Cedar Improvement District for fire protection purposes and property owners would become North Cedar Improvement District (fire protection only) taxpayers.

The number of responses required was 66 – 85 responses were verified as valid and opposing the change.

The following changes would have applied to the Cassidy/Hallberg Road area:

- 1) Properties in the Cassidy/Hallberg Road area would be combined with the Cranberry Fire Protection District for fire protection purposes and property owners would become Cranberry Fire Protection District taxpayers.
- 2) Properties in the Cassidy/Hallberg Road area would borrow up to \$560,000 to replace firefighting vehicles and equipment at the Hallberg Road firehall, to be repaid over a 15 year period.

- 3) The Regional District and the Cranberry Fire District would enter into an agreement to lease and then transfer to the Cranberry Fire District, ownership of the firefighting equipment, land and buildings after the fifteen year debt repayment period.

The number of responses required was 132 - 249 responses were submitted as valid, opposing the changes.

The responses in both instances are sufficient to require that we seek assent of the electors by referendum before the bylaws or boundary changes can proceed.

ALTERNATIVES:

1. Direct staff to include questions with respect to the loan authority and lease/transfer agreement for assent of the electors at the November 15, 2008 local government elections.
2. Hold the loan authority and lease/transfer agreements in abeyance and negotiate service agreements with each of the North Cedar and Cranberry Improvement Districts.

FINANCIAL IMPLICATIONS:

Alternative 1

The estimated cost to seek assent of the electors in conjunction with the November 15th elections is \$5,000. This amount was included in the Regional District's 2008 budget to account for this contingency. Legal costs to prepare the bylaws and agreements for this initiative total to date \$4,000. Any shortfall resulting from the cost of seeking this assent will be applied to and recovered through the 2009 budgets.

Administrative implications:

Each Improvement District would hold a referendum vote concurrently on November 15th and a separate ballot will be required for voting on their boundary changes.

Staff have also been advised that the boundaries of the two improvement districts are unlikely to be amended by December 31, 2008. Improvement District boundary changes are approved by Cabinet and have a much lengthier administrative process than a Regional District service boundary amendment. What this means is that the Regional District would enter into temporary service contracts with the improvement districts for a portion of 2009 and the boundaries would remain intact until then.

Alternative 2

The second alternative proposes holding the loan authority and lease/transfer agreement with the Cranberry Fire District in abeyance and negotiating service contracts with each improvement district. The service contract alternative would replace the existing arrangements with the Cowichan Valley Regional District. Under this alternative, until such time as the Improvement Districts have received approval to amend their boundaries to include the properties within the Regional District service area, taxpayers would remain as they are now; without the benefits of asset ownership and without direct voting on fire department operations.

ASSENT OF ELECTORS QUESTION:

If the Board approves Alternative 1 – proceeding to assent of the electors – the following question has been prepared for the Board’s consideration:

“Are you in favour of “Yellowpoint Waterloo Fire Protection Service Area Loan Authorization Bylaw No. 1549, 2008”, which if approved, would authorize the Regional District of Nanaimo to borrow up to \$560,000 to purchase firefighting equipment for the Hallberg Road firehall which would be repaid over 15 years at an estimated cost of \$91 per year; and

Do you approve of the Regional District of Nanaimo entering into an agreement with the Cranberry Fire District for the use of the firefighting equipment at the Hallberg Road firehall and at the end of fifteen years, transferring ownership of the land, equipment and firehall on Hallberg Road, to the Cranberry Fire District?”

In addition to approving the ballot question itself the Board is required to authorize the form in which the bylaw and agreement will be included in advertising notices. The *Act* allows a local government to include a synopsis of the items being voted on. Staff recommend a synopsis and would use a format similar to that approved for the Elector Response Forms.

SUMMARY/CONCLUSIONS:

An alternative approval process with respect to fire protection boundary changes for the Yellowpoint/Waterloo Fire Protection Service concluded on September 22, 2008. Sufficient responses were received to require that the questions be approved by assent of the electors. The best opportunity for assent of the electors is in conjunction with local government elections on November 15, 2008. Staff have drafted a question which seeks approval for borrowing and entering into a lease/transfer agreement with the Cranberry Fire District. The improvement districts will have separate processes for considering their boundary amendments.

Staff have also been recently advised, that the improvement district boundaries cannot be amended in time to meet the December 31, 2008 timeline – even with approval by the voters. This would necessitate a short term service contract until the boundary amendments are signed off by Cabinet.

RECOMMENDATIONS:


1. That the results of the alternative approval process with respect to changes to the Yellowpoint/Waterloo Fire Protection Service be received.
2. That staff be directed to include the following question with respect to the loan authority and lease/transfer agreement for assent of the electors at the November 15, 2008 local government elections:

“Are you in favour of “Yellowpoint Waterloo Fire Protection Service Area Loan Authorization Bylaw No. 1549, 2008”, which if approved, would authorize the Regional District of Nanaimo to borrow up to \$560,000 to purchase firefighting equipment for the Hallberg Road firehall which would be repaid over 15 years at an estimated cost of \$91 per year; and

Do you approve of the Regional District of Nanaimo entering into an agreement with the Cranberry Fire District for the use of the firefighting equipment at the Hallberg Road firehall and at the end of fifteen years, transferring ownership of the land, equipment and firehall on Hallberg Road, to the Cranberry Fire District?"

3. That for the purposes of official notices of the ballot question, the Board hereby authorizes the use of a synopsis of the bylaw and the lease/transfer agreement.


Report Writer


C.A.O. Concurrence

COMMENTS: