



Regional Board Report

TO: Regional Board

FROM: Mary Jane Drouin
Manager-Corporate Services

DATE: May 25, 2021

SUBJECT: Alternative Approval Process for Okanagan Regional Library Service Area Establishment Bylaw No. 1477 and Okanagan Regional Library Loan Authorization Bylaw No. 1478

Voting Entitlement: All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1

Purpose: To direct staff to undertake an Alternative Approval Process (AAP) for the Okanagan Regional Library Establishment and Loan Authorization Bylaws.

Executive Summary:

At the regular Board meeting held on February 22, 2021 the Okanagan Regional Library provided an overview of a new library branch in the City of West Kelowna along with a request for assistance from the RDCO to access Municipal Finance Authority (MFA) capital funding. Of note, Library Districts are not permitted to borrow directly from the MFA. The Okanagan Regional Library Board would like to borrow up to \$8mil for the West Kelowna library, and have agreed to pay all debt and costs associated with this process. There will be no financial impact to the RDCO. In 2008, the Regional District did a similar process in order for the Library to build and finance their Administrative Building on KLO Road.

The Regional Board at its May 13, 2021 meeting gave three readings to Establishment Bylaw No. 1477 and Loan Authorization Bylaw No. 1478. As required by the *Local Government Act*, approval of the bylaws is required by the Inspector of Municipalities prior to undertaking an Alternative Approval Process (AAP). This has been received and staff are prepared to proceed with the Alternative Approval Process. If 10% (16,478) of the estimated number of electors sign and submit an elector response form **opposing** adoption of Bylaw No. 1477 and Bylaw No. 1478 before the established deadline, the Board cannot adopt the Bylaw without receiving the assent of the electors by way of referendum. Should that occur, staff would consult with the Library to determine how they wish to proceed with financing options.

RECOMMENDATION:

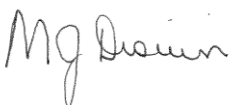
THAT the Regional Board authorizes staff to undertake an Alternative Approval Process in the entire Central Okanagan service area to determine the opinion of the electors with regard to:

- Regional District of Central Okanagan Okanagan Regional Library Service Area Establishment Bylaw No. 1477, 2021; AND
- Regional District of Central Okanagan Okanagan Regional Library Loan Authorization Bylaw No. 1478

AND FURTHER THAT the Regional Board approves the following with regard to the AAP for the proposed bylaw:

1. That the deadline for receiving elector responses be 4:00 p.m. on July 12, 2021
2. That the Elector Response Form be approved; and
3. That the estimated number of eligible voters to which the Alternative Approval Process applies be established at 164,786

Respectfully Submitted:



Mary Jane Drouin
Manager-Corporate Service

Approved for Board's Consideration



Brian Reardon, CAO

Implications of Recommendation:

Legal/Statutory Authority: *Local Government Act* – section 280 provides that a regional district may, by bylaw adopted with the approval of the electors.
Community Charter – section 86(3) – Alternative Approval Process

Background:

At the regular Board meeting held on February 22, 2021 the Okanagan Regional Library provided an overview of a new library branch in the City of West Kelowna along with a request for assistance from the RDCO to access Municipal Finance Authority (MFA) capital funding. Library Districts are not permitted to borrow directly from the MFA. It is however, not uncommon for Regional Districts to enter into agreements with Library Districts to arrange financing for capital projects on their behalf through the MFA. The Okanagan Regional Library Board would like to borrow up to \$8mil for the West Kelowna library, and have agreed to pay all debt and costs associated with this process. There will be no financial impact to the RDCO.

In order to achieve these objectives, the following two bylaws needed approval from the Inspector of Municipalities and then following an approved Alternative Approval Process, adopted by the Regional Board.

- RDCO Okanagan Regional Library Service Area Establishment Bylaw No. 1477
- RDCO Okanagan Regional Library Loan Authorization Bylaw No. 1478

As approval of the two bylaws has been received by the Inspector of Municipalities, staff are ready to undertake the Alternative Approval process.

Section 86(3) of the *Community Charter* requires that for each alternative approval process, the Board of Directors must:

- Establish the deadline for receiving elector responses;
- Establish the elector response form;
- Make a fair determination of the total number of electors to which the approval process applies.

Establish the deadline for receiving elector responses

The time period for receiving elector response forms must be at least 30 days following the day on which the second required notice is published. Staff propose the deadline date to receive responses be established as 4:00 p.m. on July 12, 2021. The elector response forms will be accepted by mail, fax or in person to the Regional District of Central Okanagan Administration Office prior to the established deadline. Postmarks will not be accepted as the date of submission.

Establish the Elector Response Form

The elector response form that will be available to eligible electors within the entire service area of the Central Okanagan is attached for consideration by the Board. If 10% (16,478) of the estimated number of electors sign and submit an elector response form **opposing** adoption of Bylaw No. 1477 and Bylaw No. 1478 before the established deadline, the Board cannot adopt the Bylaw without receiving the assent of the electors by way of referendum.

Population Analysis

The total number of eligible electors is estimated to be 164,786 in accordance with the 2019 BC Stats as of January 6, 2021.

Estimate of Eligible Electors for Alternative Approval Process

Jurisdiction	Estimated Eligible Voters	10% of eligible voters Required to defeat Bylaw 1477 & 1478 under the AAP
Central Okanagan West Electoral Area	1,914	191
Central Okanagan East Electoral Area	3,830	383
District of Lake Country	12,114	1,211
District of Peachland	4,557	456
City of West Kelowna	28,654	1,865
City of Kelowna	<u>113,717</u>	<u>11,272</u>
	<u>164,786</u>	<u>16,478</u>

Statutory advertising will be placed in local newspapers: Capital News and Vernon Morningstar. Elector response forms and the supporting report material will be available at the RDCO office or for download on the RDCO website.

Conclusion

Alternative Approval Process requirements have been identified and appropriate Elector Response Forms have been prepared which will enable the Regional Board to authorize staff to proceed with obtaining the approval of the electors by Alternative Approval Process for the following bylaws:

- RDCO Okanagan Regional Library Service Area Establishment Bylaw No. 1477, AND
- RDCO Okanagan Regional Library Loan Authorization Bylaw No. 1478

Financial Considerations:

Minimal, cost of advertising. The Library will reimburse all advertising costs.

Organizational Issues:

Staff time required to run an AAP

Alternative Recommendation:

None recommended.

Attachment(s):

- Notice to Electors, Elector Response Form, Non-Resident Property Elector Consent Form, Fact Sheet
- Certificate of Statutory Approval for Bylaw No. 1477 and Bylaw No. 1478