



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 1760-02

From: Chief Administrative Officer

Date: December 07, 2020

Subject: 5th Street Bridge Rehabilitation - Alternative Approval Process (AAP) Results

PURPOSE:

The purpose of this report is to provide the results of the Alternative Approval Process for “5th Street Bridge Rehabilitation Loan Authorization Bylaw No. 2978, 2020” for long term borrowing to complete construction of the 5th Street Bridge rehabilitation project.

CAO RECOMMENDATIONS:

That based on the December 7th, 2020 staff report “5th Street Bridge Rehabilitation - Alternative Approval Process (AAP) Results” Council approve OPTION 1 and proceed with final reading and adoption of “5th Street Bridge Rehabilitation Loan Authorization Bylaw No. 2978, 2020”.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

BACKGROUND:

Council approved the 5th Street Bridge Rehabilitation project through the regular budget process in early 2020. The project is slated for construction in 2021 and requires new borrowing to proceed.

At its regular meeting held April 20th, 2020 Council passed the following resolution:

“That based on the April 20th, 2020 staff report “5th Street Bridge Loan Authorization Bylaw 2978”, Council approve OPTION 1 and endorse the 5th Street Bridge Rehabilitation Loan Authorization Bylaw No. 2978;

That Bylaw No. 2978 proceed to first, second and third reading; and,

That Council direct staff to proceed with the Alternative Approval Process (AAP) to gain approval of the electors.”

Bylaw 2978 received three readings at the same meeting.

Bylaw 2978, along with supporting documentation was forwarded to the Inspector of Municipalities on April 21st, 2020. The Inspector of Municipalities provided statutory approval of Bylaw 2978 on May 5th, 2020.

At its regular meeting held September 21st, 2020 Council passed the following resolution:

“That based on the September 21st, 2020 staff report “2020 - 5th Street Bridge Rehabilitation - Alternative Approval Process (AAP)”, Council seek the approval of the electors for 5th Street Bridge Rehabilitation Loan Authorization Bylaw No. 2978, 2020 through the Alternative Approval Process (AAP);

That Council establish elector response forms as attached to this report;

That Council determine 20,162 as the total number of electors to which the approval process applies; and

That Council establish the deadline for receiving responses for this alternative approval process as November 16th, 2020 at 4:30 p.m. “

DISCUSSION:

To seek elector consent, Council approved the Alternative Approval Process (AAP) to be undertaken with a deadline of 4:30 p.m., November 16th, 2020 for eligible electors to submit an elector response form in opposition to Bylaw 2978. Pursuant to section 86 of the *Community Charter*, approval of the electors is obtained if the number of valid Elector Response Forms received by the deadline is less than 10% of the number of electors. In Courtenay, 10% of the City’s 20,162 electors is 2,017.

Elector Approval - Elector Response Form

Eligible electors were given the opportunity to express their opposition to Bylaw 2978 by submitting their comments via the Elector Response Form. Signed completed forms were submitted in confidence via:

- in person at Courtenay City Hall
- by mail (City of Courtenay, 830 Cliffe Avenue, Courtenay, V9N 2J7)
- by email info@courtenay.ca

ELECTOR ELIGIBILITY

In order to sign an elector response form in relation to the alternative approval process, a person must either be a resident elector or a non-resident property elector.

Resident Elector

A resident elector is an individual who is entitled to sign an elector response form during an AAP by virtue of living within that jurisdiction. When signing an elector response form, a resident elector must:

- Be 18 years of age or older,
- Be a Canadian citizen,
- Have lived in British Columbia for at least six months,
- Have lived in the City of Courtenay for at least 30 days,
- Not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Non-Resident Property Elector

A non-resident property elector is an individual that does not live in the City of Courtenay and who is entitled to sign an elector response form during an AAP by virtue of owning property in that jurisdiction. Only one non-resident property elector may sign an elector response form per property, regardless of how many people own the property. When signing an elector response form, a non-resident property elector must:

- Be 18 years of age or older,
- Be a Canadian citizen,
- Have lived in British Columbia for at least six months,
- Have owned property in the City of Courtenay for at least 30 days,
- Not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Public Notice

Requirements for Public Notice pursuant to section 94 of the *Community Charter* are as follows:

- s.1 the applicable notice must be:
 - (a) posted in the public notice posting places, and
 - (b) published in accordance with this section.
- s.2 publication under subsection (1) (b)
 - (a) “must be in a newspaper that is distributed at least weekly”;
 - (b) “unless otherwise provided, must be once each week for two consecutive weeks”

Communications

A robust communication plan was established to support public participation for a fair and transparent process in consideration of COVID-19 restrictions. In addition to statutory notice, staff took the following steps:

- **Media Release** October 6th, 2020 - Comox Valley Record Newspaper and on-line
- **Statutory Notice** posted in two consecutive editions of the Comox Valley Record Newspaper, Classified Ad “Legal Notices” - October 7th & 14th, 2020
- **Additional Half-Page Ads** in the regular section of the Record Newspaper October 21st and 28th, 2020
- Regular Scheduled **Social Media** posts - Facebook and Twitter
- Daily **Radio Ads** for the period of October 20th to 24th; October 25th to 29th; and November 1st to 3rd, 2020
- **Overhead Monitor Display** in the Lewis Centre Recreation facility
- **City of Courtenay website:**
 - Fifth Street Bridge project page www.courtenay.ca/fifthstreetbridge
 - Alternative Approval Process page www.courtenay.ca/aap

A total of **52 valid Elector Response Forms** were received for Bylaw 2978 prior to the deadline of 4:30 p.m., November 16th, 2020.

Given the City did not receive elector response forms surpassing 10% of the total number of electors in opposition of the proposed Bylaw, elector approval has been achieved; (assent voting/referendum is not required). Council may now proceed with final adoption of Bylaw 2978.

As per this staff report, it is recommended that final reading of Bylaw 2978 be considered by Council during its regular meeting Monday, December 7th, 2020.

FINANCIAL IMPLICATIONS:

There are no financial implications related to the AAP process itself.

Council approved the 2020-2024 General Fund Operating and Capital Financial Plans on March 2nd, 2020 which includes the 5th Street Bridge Rehabilitation project.

ADMINISTRATIVE IMPLICATIONS:

Once Bylaw 2978 is adopted, there is a one month quashing period before the bylaw is sent back to the Inspector of Municipalities for the final certificate of approval. Staff expect to receive final approval in early 2021. Once a certificate of approval has been received by the Inspector of Municipalities, Council must then pass a Municipal Security Issuing Resolution and forward it to the Comox Valley Regional District to be included in the next Regional District Security Issuing Bylaw that will go through further adoption at the regional level.

The statutory borrowing process involved several departments and is estimated to take approximately eighty hours of staff time from start to finish.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications for the AAP process. As outlined in the April 20th, 2020 staff report, the 5th Street Bridge is one of the City's most important assets, providing critical connections between the east and west parts of the community, and it is an emergency route for fire, police and ambulance services. It is an essential means to cross the Courtenay River for many residents and businesses as well as adjacent communities and out of area travellers; the 5th Street Bridge rehabilitation is necessary to return the asset to its intended level of service.

STRATEGIC PRIORITIES REFERENCE:

In addition to being identified one of Council's five "NOW" Priorities, the following Strategic Priorities are relevant to the 5th Street Bridge Rehabilitation Project.

We focus on organizational and governance excellence

- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay

We proactively plan and invest in our natural and built environment

- Focus on asset management for sustainable service delivery
- ▲ Look for regional infrastructure solutions for shared services

We actively pursue vibrant economic development

- ▲ Work with the business and development sectors to mutually improve efficiencies
- ▲ Continue to explore innovative and effective economic development opportunities

We support diversity in housing and reasoned land use planning

- Continue to develop and revisit all infrastructure master plans

- **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act
- ▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party
- **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

OFFICIAL COMMUNITY PLAN REFERENCE:

In regards to the *Official Community Plan* for Courtenay, the following goals of Section 5.0 Transportation are relevant:

5.2 Goals

1. Integrate land use changes with transportation planning to coordinate changes and increases to traffic patterns.
2. Development of a transportation system that provides choices for different modes of travel including vehicle, transit, pedestrian, cycling and people with mobility impairments.
3. Protect the integrity of the road classification system to facilitate the purpose and function of the specific road types.
4. Support an integrated transportation system that works towards reducing travel distances and congestion.
5. Support a transportation system that recognizes the importance of the character and overall appearance of the City.
6. Provide an effective transportation system that facilitates the movement of vehicles throughout the community and the Comox Valley to major regional services such as the Little River Ferry System and the Comox Valley Airport.

REGIONAL GROWTH STRATEGY REFERENCE:

The 5th Street Bridge Rehabilitation Project is aligned with the transportation network goal from the Regional Growth Strategy:

Goal 4 - Transportation:

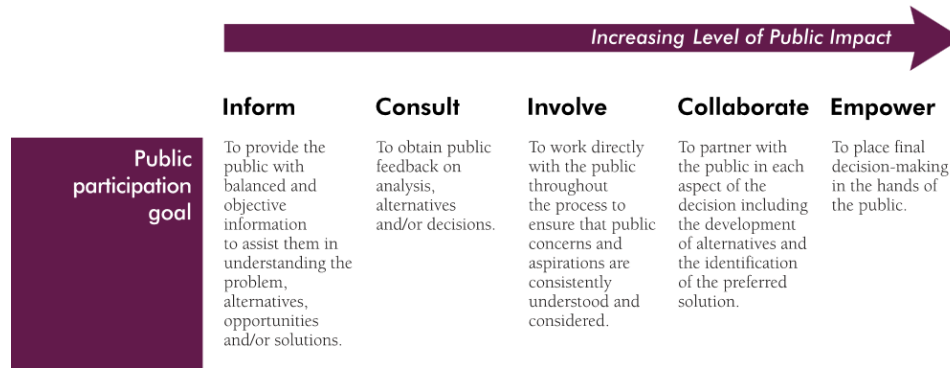
Develop an accessible, efficient and affordable multi-modal transportation network that connects Core Settlement Areas and designated Town Centres and links the Comox Valley to neighbouring communities and regions.

CITIZEN/PUBLIC ENGAGEMENT:

Section 180 of the *Community Charter* requires that Council gain approval of the electors before a loan authorization bylaw can be adopted. The City will **empower** the public based on the IAP2 Spectrum of Public Participation: This is the highest level of public participation in decision making under this practice. Information about the IAP2 Core Values can be found at:

<https://iap2canada.ca/Resources/Documents/0702-Foundations-Core-Values-MW-rev1.pdf>

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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OPTIONS:

OPTION 1: That based on the December 7th, 2020 staff report "5th Street Bridge Rehabilitation - Alternative Approval Process (AAP) Results" Council approve OPTION 1 and proceed with final reading and adoption of "5th Street Bridge Rehabilitation Loan Authorization Bylaw No. 2978, 2020" (Recommended).

OPTION 2: That Council not proceed with the adoption of Bylaw No. 2978.

Prepared by:

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Corporate Officer

Concurrence By:

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