

DATE OF MEETING JULY 29, 2024

AUTHORED BY SHEILA GURRIE, DIRECTOR, LEGISLATIVE SERVICES

**SUBJECT ALTERNATIVE APPROVAL PROCESS – PUBLIC WORKS YARD
UPDATES BORROWING BYLAW 2024 NO. 7386**

OVERVIEW

Purpose of Report

To obtain Council approval to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates.

Recommendation

That Council:

1. direct the Corporate Officer to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates;
2. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 79,736;
3. establish a deadline of 4:30 p.m. on Thursday, 2024-OCT-31 for receiving elector responses for the Alternative Approval Process in relation to the “Public Works Yard Updates Borrowing Bylaw 2024 No. 7386”; and,
4. approve the draft Elector Response Form as attached to the Staff report dated 2024-JUL-29.

BACKGROUND

Council approval is being sought to undertake an Alternative Approval Process that, if electors’ assent is received, would permit Council to adopt “Public Works Yard Updates Borrowing Bylaw 2024 No. 7386” to authorize Council to borrow up to \$90,000,000 for Public Works Yard updates.

To proceed, Council is required to have approval of the electors prior to bylaw adoption in accordance with the *Community Charter*. Approval of the electors may be received by way of an Alternative Approval Process (AAP), or assent voting (referendum). Approval is obtained and Council may proceed with bylaw adoption, if less than 10 per cent of the electors oppose the proposal by submitting a valid elector response form.

DISCUSSION

The AAP requires Council approval for the following:

- Fair determination of the number of electors:
 - Section 86(3) of the *Community Charter* requires that a fair determination be made of the total number of electors within the City of Nanaimo, which forms the basis of the 10 per cent threshold. It was determined that there are 79,736 electors in the City of Nanaimo based on the 2022 Provincial voter's list used in the 2022 Municipal Election, new registrations, non-resident property electors and population growth based on census data.
- Approval of Elector Response Form (attached).
- Bylaw readings (3 readings) must be passed for "Public Works Yard Updates Borrowing Bylaw 2024 No. 7386" by a Council majority prior to requesting approval by the Inspector of Municipalities.
- Elector Response form Submission Period: Council must establish the deadline for receiving elector responses, a minimum of 30 days after the notice has been published as per Section 86(3.1) of the *Community Charter*. Staff is proposing Thursday, 2024-OCT-31 as the deadline. This provides an additional 12 days beyond what is legislatively required for electors to submit response forms.

Council Decision on Next Steps:

Elector approval is deemed to have been obtained if less than 7,974 valid Elector Response Forms in opposition to Bylaw No. 7386 are received prior to 4:30 p.m. on Thursday, 2024-OCT-31. Council would then be able to consider bylaw adoption. Should 7,974 or more opposition responses be submitted, Council could only move forward with the project through a successful referendum (assent voting).

OPTIONS

That Council:

1. direct the Corporate Officer to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates;
2. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 79,736;
3. establish a deadline of 4:30 p.m. on Thursday, 2024-OCT-31 for receiving elector responses for the Alternative Approval Process in relation to the "Public Works Yard Updates Borrowing Bylaw 2024 No. 7386"; and,
4. approve the draft Elector Response Form as attached to the Staff report dated 2024-JUL-29.

- The advantages of this option: Electors would have 42 days to submit their response form and the AAP process does not require them to appear in person on designated days to express their opinion, making this method of elector consent more convenient for electors and suitable for a project that is considered necessary to the community.
 - The disadvantages of this option: If the AAP is unsuccessful Council will have the option to proceed to a referendum should they choose to, which would then increase costs significantly.
 - Financial Implications: Holding an AAP is done with much lower costs than by conducting a referendum.
2. That Council direct staff to prepare for an Assent Voting opportunity (Referendum) for the Public Works Yard Updates project.
- The advantages of this option: This process is similar to an election and there is the ability to have more than one question on the ballot(s).
 - The disadvantages of this option: Conducting a referendum involves the same resources and costs as holding a general election.
 - Financial Implications: The costs and Staff resources associated with Assent Voting are significant and similar to a general election (approximately \$300,000).

SUMMARY POINTS

- Council is being asked to proceed with an Alternative Approval Process in relation to the borrowing associated with the Public Works Yard Updates.
- An Alternative Approval Process may be undertaken by Council to move forward with approval of the bylaw.
- Should Council move forward with the Alternative Approval Process, there will be opportunity for electors opposed to the proposal to submit an Elector Response Form.
- Elector approval is deemed to have been obtained if less than 7,974 valid Elector Response Forms in opposition to Bylaw No. 7386 are received prior to 4:30 p.m. on Thursday, 2024-OCT-31.

ATTACHMENTS:

ATTACHMENT A – AAP Elector Response Form.

Submitted by:

Sheila Gurrie,
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Concurrence by:

Bill Sims
GM, Engineering and Public Works

Dale Lindsay, CAO