



Date: 17 Jan 2022

To: Chair Worley and Board of Directors

From: Anitra Winje

Re: Alternative Approval Process: "Regional District of Kootenay Boundary Waste Management Loan Authorization Bylaw No. 1777, 2021"

Issue Introduction

The staff report from Anitra Winje, Manager of Corporate Administration/Corporate Officer, seeking Board approval to proceed to the Alternative Approval Process to gain electoral support to borrow funds for capital costs associated with the Regional Solid Waste Service, is presented.

History/Background Factors

At its September 29, 2021 meeting, the Board gave "Regional District of Kootenay Boundary Regional Waste Management Loan Authorization Bylaw No. 1777, 2021" First, Second and Third readings.

The bylaw was given Statutory Approval by the Deputy Inspector of Municipalities on November 23, 2021.

The RDKB may now proceed to the Alternative Approval Process.

Determination of the Estimated Number of Eligible Electors for the Alternate Approval Process

Section 86(3) of the *Community Charter* requires that the RDKB Board of Directors make a fair determination of the total number of eligible electors of the area to which the AAP applies.

Part 3; *Electors and Elections*, Division 4 of the *Local Government Act* sets out the requirements with respect to eligible electors (these are the same requirements used for elections and referendums). To determine "eligible electors" 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:

1. Are 18 years of age or older (at the time of signing the form)
2. Are a Canadian Citizen

3. Have resided in British Columbia for at least six months (at the time of signing the form)
4. Live or own property within the Regional District of Kootenay Boundary Solid Waste Management Local Service Area for at least 30 days
5. Live or own property in the area defined for the AAP (Regional District of Kootenay Boundary Solid Waste Management Local Service Area) and
6. Are not disqualified under the *Local Government Act* or any other enactment from voting in a local election, or be otherwise disqualified by law.

The estimated number of eligible electors within the participating service area of the Regional Solid Waste Management Local Service Area for conducting the Alternate Approval Process is _____ with _____ as ten percent (10%). Should more than _____ (the 10%) sign and return the Elector Response Form, the RDKB Board must withhold adoption of Bylaw 1777 unless the Board adopts a resolution to move forward with assent voting (referendum).

The estimate of the number of eligible electors was determined as follows:

The information used in the calculation is from www.bcstats.gov.bc.ca and www.statscanada.ca (see attached report-- Bylaw No. 1777, 2021 – Method Used to Calculate 10% for Alternative Approval Process)

The Waste Management Loan Authorization Elector Response Form

The draft Waste Management Loan Authorization Elector Response Form is attached to this staff report. These forms will be made available throughout the AAP process on the RDKB website www.rdkb.com, from the RDKB Manager of Corporate Administration/Corporate Officer, and at the following location:

RDKB Head Office, 202—843 Rossland Avenue, Trail, BC

Timeline/Calendar

A calendar of the AAP process is attached.

The Board is required to establish the deadline during which qualified electors are required to submit the Elector Response Form if they are opposed to the Bylaw. The time period must be at least 30 days following the day on which the second required notice is published (e.g. the deadline works out to 32 days as the day of the second required notice and the 30th day are not included in the 30-day calculation). If the deadline date falls on a Saturday or a Sunday, the following Monday becomes the deadline. In this case, the deadline date falls on Sunday, March 20th, therefore **Monday, March 21st, 2021 is the AAP deadline** for submission of the Elector Response Forms from those who oppose the Bylaw.

Staff recommend the following timeline as per the calendar attached to this staff report for receipt of the Elector Response Forms:

- Information provided at **RDKB Town Hall meetings:**

- Area C—January 31
- Area A—February 7
- Area D—February 16
- Area E—February 28
- Area E (Big White)—March 1
- Area B—March 7
- **February 1, 2022:** Mail out postcards to eligible electors in the Regional Solid Waste Services Local Service Area
- **Monday, February 7, 2022:** First Public Notice
 - *Castlegar News*
- **Tuesday, February 8, 2022:** First Public Notice
 - *Trail Times*
- **Wednesday, February 9, 2022:** First Public Notice
 - *Grand Forks Gazette*
- Thursday, February 10, 2022: First Public Notice
 - *Rossland News, West Kootenay Advertiser, Boundary Creek*
- **Monday, February 14, 2022:** Second Public Notice
 - *Castlegar News*
- **Tuesday, February 15, 2022:** Second Public Notice
- **Wednesday, February 16, 2022:** Second Public Notice
 - *Grand Forks Gazette*
- **Thursday, February 17, 2022:** Second Public Notice
 - *Rossland News, West Kootenay Advertiser, Boundary Creek*
- **Thursday, February 17, 2022:** public open house via Webinar
- **Friday, February 18, 2022:** 30-day AAP response period commences
- **Monday, March 31, 2022 at 4:30 pm:** Deadline for RDKB Corporate Officer's receipt of Elector Response Forms

Following the deadline date of March 21st the Corporate Officer is required to certify the results of the AAP. All submissions received will be reviewed to ensure residency requirements and compliance. If greater than (10%) of eligible electors sign the Electoral Response forms (indicating opposition) of adopting Bylaw 1777, the Board would have the option to proceed with assent voting (referendum). Proceeding to an assent vote would require that voting occur no later than 80 days after the deadline established for submitting the elector response forms during the AAP pursuant to Section 174(2)(b) of the *Local Government Act*.

Advancement of Strategic Planning Goals

1. Environmental Stewardship/Climate Preparedness:
The implementation of a green bin program will further environmental stewardship by keeping organic matter out of our landfills and reducing greenhouse gas emissions. This will also reduce the financial and environmental costs that taxpayers bear when new landfills are created. It is a key initiative to address climate change in our region
2. Exceptional Cost Effective and Efficient Services:

Having the ability to borrow required capital funding over a term longer than five years gives flexibility to the Regional District in optimizing operations and contributes to the provision of cost effective and efficient services associated with solid waste management.

The RDKB has applied for and received grant funding for these projects to help offset the cost to the taxpayer.

This project will also reduce the financial and environmental costs that taxpayers bear when new landfills are created.

3. Respond to Demographic/Economic/Social Change:

Landfills serve an important role in solid waste management; however, keeping materials out of landfills is an important step. This initiative will also reduce the financial and environmental costs that taxpayers bear when new landfills are created. Organics diversion can help keep materials out of our landfills and reduce GHGs. The resulting compost can then be used to build soil and contribute to healthy green spaces throughout our regional district.

Alternatives

1. The Board authorizes staff to proceed to short-term borrowing through the Municipal Finance Authority, as per section 11 & 11.1 of the *Municipal Finance Authority Act*. The RDKB would be required to pay back the loan five years from the date the money is received. As at January 17, 2022, the Floating Daily Rate is 0.98000%. This is the more costly option.
2. The Board directs staff to seek elector assent via assent voting (referendum). A district-wide referendum will be significantly more costly than an AAP and would be a more complex and lengthy, which could push back the project.

Recommendations

Recommendation 1

That pursuant to Section 86(3) of the *Community Charter* the estimated number of eligible electors of the area to which the Alternate Approval Process applies for the proposed "Regional District of Kootenay Boundary Waste Management Loan Authorization Bylaw No. 1777, 2021" being the whole of the Regional District of Kootenay Boundary be established as of which be established as the ten percent (10%) of the total number of eligible electors required to sign the Regional Solid Waste Services Area Elector Response Form opposing the adoption of "Regional District of Kootenay Boundary Waste Management Loan Authorization Bylaw No. 1777, 2021."

Recommendation 2

That pursuant to Section 86(3) of the Community Charter, that the Regional District of Kootenay Boundary Board of Directors approves the individual Waste Management Loan Authorization Elector Response Form as attached to this staff report and presented to the RDKB Board of Directors on January 26, 2022; FURTHER, that this form be used in conducting the Alternate Approval Process for the "Regional District of Kootenay Boundary Waste Management Loan Authorization Bylaw No. 1777, 2021."

Recommendation 3

That the Regional District of Kootenay Boundary Board of Directors approves 4:30 p.m., **Monday, March 21, 2021** as the deadline for the RDKB Corporate Officer's receipt of submissions of the Regional Waste Management Loan Authorization Elector Response Forms for the Alternate Approval Process conducted for the "Regional District of Kootenay Boundary Waste Management Loan Authorization Bylaw No. 1777, 2021."

Attachments:

- **Elector Response Form**
- **Public Notice**
- **Calendar – AAP Process**