

**Date:** Tuesday, November 5, 2024

**To:** Elizabeth Tracy, Chief Administrative Officer

**From:** Gwendolyn Kennedy, Manager, Corporate & Legislative Services

**Subject:** Water Treatment Facility Loan Authorization: Alternative Approval Process

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## **PURPOSE**

The purpose of this report is to obtain direction from Council to undertake an alternative approval process to seek elector approval of long-term borrowing as set out in Water Treatment Facility Loan Authorization Bylaw No. 922, 2022.

## **BACKGROUND**

At Regular Council Meeting No. 1555, held Tuesday, February 15, 2022, Council considered a [staff report](#) regarding a funding application and long term borrowing for the proposed water treatment facility. Council gave first, second, and third readings to Village of Pemberton Water Treatment Facility Loan Authorization Bylaw No. 922, 2022, authorizing the Village to borrow up to \$1,690,000 for a term not to exceed 25 years, and directed staff to apply for funding for the facility through the Investing in Canada Infrastructure Program – Environmental Quality.

On July 19, 2024, Patrick Weiler, Member of Parliament for West Vancouver – Sunshine Coast – Sea to Sky Country, the Honourable Anne Kang, Minister of Municipal Affairs, and Councillor Ted Craddock announced that the Village was successful in its application for funding of the water treatment facility under the Investing in Canada Infrastructure Program – Green Infrastructure Environmental Quality Stream and has been awarded funding to a maximum federal/provincial contribution of \$5,982,995. With grant funding confirmed, the next step is to seek approval from the electors to borrow up to \$1,690,000. This amount will form part of the Village’s required contribution of 26.67% of the project cost.

To borrow funds over a period longer than five years, a municipality must obtain approval of the electors through an assent vote or by an alternative approval process (AAP). Because an assent vote is costly and time-consuming, staff recommend that Council direct staff to follow the alternative approval process, as was done earlier in 2024 when Council sought elector approval for long-term borrowing for the triple combination pumper truck. Under the AAP, If more than 10% of the electorate submits a response indicating opposition to the loan authorization bylaw, Council may decide not to pursue the proposed long-term borrowing or may proceed with an assent vote.

The steps and timeline that will make up the long-term borrowing process if Council chooses to seek electoral approval through an AAP are set out in Table 1.

Table 1. Long-Term Borrowing Process

<b>Activity</b>	<b>Legislative Reference</b>	<b>Estimated Date</b>
1. Municipal loan authorization bylaw – initial three readings	<i>Community Charter</i> section 179	February 15, 2022
2. Confirmation of grant funding for the project		July 19, 2024
3. Submission of bylaw at third reading and liability servicing limit certificate to Ministry of Municipal Affairs for review and approval by Inspector of Municipalities	<i>Community Charter</i> section 179	Approval received October 16, 2024 ( <b>Appendix B</b> )
4. Report to Council to establish AAP dates 5. Place ads in paper 6. Response forms available at Village Office and on the website	<i>Community Charter</i> sections 84, 86	November 5, 2024 November 15 & 22, 2024
7. Process runs for at least 30 days from day after the last advertisement.	<i>Community Charter</i> section 86	To be established by Council.
8. Receive results from AAP process and adoption of loan authorization bylaw	<i>Community Charter</i> sections 86	January 21, 2025
9. One Month Quashing Period ( <i>LGA</i> section 624) to end February 22, 2025		
10. Application to Ministry of Municipal Affairs for a Certificate of Approval	<i>LGA</i> Section 122	April 1, 2025
11. Municipal Security Issuing Resolution passed (sent to the Regional District)	<i>Community Charter</i> Section 122	April 15, 2025
12. Regional District to prepare and issue Security Issuing Bylaw (all reading done in one meeting)	<i>Community Charter</i> Section 182	April 23, 2025 (SLRD 2025 meeting schedule not yet confirmed)
13. 10-day quashing period – April 31, 2025		
14. Regional District to seek Inspector of Municipalities' Certificate of Approval		
Information to MFA for fall debenture and issuance of funds		

## **DISCUSSION & COMMENTS**

On September 20, 2024, staff submitted the loan authorization bylaw, certified at third reading, to the Ministry of Municipal Affairs requesting approval of the Inspector of Municipalities. Approval was received on October 16<sup>th</sup> (**Appendix A**).

Staff are asking Council to direct the corporate officer to undertake an AAP. As per section 86 of the *Community Charter*, Council will be required to complete the following tasks:

- a) establish the deadline for receipt of elector responses (at least 30 days after the second publication of notice)
- b) establish the elector response forms; and
- c) make a fair determination of the total number of electors to which the approval process applies (in this case, the entire municipality)

With Council approval, notice of the AAP will be published in the Pique Newsmagazine on November 15<sup>th</sup> and 22<sup>nd</sup>. The deadline for receipt of elector responses must be no earlier than December 23<sup>rd</sup>. Because this date falls within the holiday period, staff suggest that Council sets the deadline for receipt of elector responses as January 6, 2025.

A sample elector response form is attached as **Appendix B** for Council's review and approval.

Using the [Population Estimates & Projections for BC](#) tool, staff determined the estimated number of residents between the ages of 18 and 100 in 2024 to be 2940. For comparison purposes, staff calculated the number of eligible electors in 2024 by assuming 7% growth since the 2021 census and arrived at an estimate of 3173. Staff recommend using the number provided by the *Population Estimates and Projections for BC* tool as the population growth assumptions used in the tool are more sophisticated than staff's rough estimate of population growth.

## **COMMUNICATIONS**

Once established by Council resolution, staff will publish the AAP date in accordance with section 94 of the *Community Charter*.

## **LEGAL CONSIDERATIONS**

The AAP process is set out in part 4, division 2 of the *Community Charter*.

## **BUDGET & STAFFING**

Management of the AAP process falls within the regular duties of the Corporate & Legislative Services department. Costs associated with the process can be accommodated in the budget.

### **INTERDEPARTMENTAL IMPACT**

The steps in completing the loan authorization process and AAP will be facilitated by Corporate & Legislative Services with the support of Finance and the Office of the CAO.

### **COMMUNITY CLIMATE ACTION PLAN**

The loan authorization process has no impact on the Community Climate Action Plan strategies.

### **STRATEGIC PRIORITIES**

Long-term borrowing for development of a water treatment facility aligns with the strategic priority *to plan and manage growth*.

### **IMPACT ON THE REGION**

Borrowing from the Municipal Finance Authority must be facilitated on behalf of the Village of Pemberton by the Squamish-Lillooet Regional District. Once the Village has received the approval of the electorate, the Village will ask the Squamish-Lillooet Regional District to prepare and issue a security issuing bylaw and seek a certificate of approval from the Inspector of Municipalities. This is a routine function of all regional districts and it is expected the Squamish-Lillooet Regional District will accommodate this request.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

### **RECOMMENDATIONS**

**THAT** Council directs the corporate officer to undertake an alternative approval process to determine the opinion of the electors with respect to long-term borrowing as set out in Water Treatment Facility Loan Authorization Bylaw No. 922, 2022.

**THAT**, for the purposes of the alternate approval process for Water Treatment Facility Loan Authorization Bylaw No. 922, 2022, Council establishes the deadline for receipt of elector responses to be 4:00pm on Monday, January 6, 2025.

**THAT**, for the purposes of the alternate approval process for Water Treatment Facility Loan Authorization Bylaw No. 922, 2022, Council approves the elector response form as presented.

**THAT**, for the purposes of the alternate approval process for Water Treatment Facility Loan Authorization Bylaw No. 922, 2022 Council estimates the number of eligible electors to be 2940.

**ATTACHMENTS:**

**Appendix A:** Approval of Water Treatment Facility Loan Authorization Bylaw No. 922, 2022 at third reading by Inspector of Municipalities

**Appendix B:** Elector response form

Prepared by:	Gwendolyn Kennedy, Manager, Corporate & Legislative Services
CAO approval:	Elizabeth Tracy, Chief Administrative Officer

**VILLAGE OF PEMBERTON  
BYLAW No. 922, 2022**

**Water Treatment Facility Loan Authorization Bylaw**

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**A bylaw to authorize the borrowing for the cost to build a new Water Treatment Facility.**

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**WHEREAS** it is deemed necessary to build a new Water Treatment Facility to service the Village of Pemberton;

**AND WHEREAS** the estimated cost to construct a new water treatment facility is the sum of \$8,200,000 of which \$1,690,000 is the amount of debt created by this bylaw;

**NOW THEREFORE**, the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The Council is hereby empowered and authorized to provide, operate and maintain, and to undertake and carry out, or cause to be carried out construction of a new water treatment plan in accordance with the established budget for the project and to do all things necessary in connection therewith for the benefit of the properties with the Village of Pemberton and without limiting the generality of the foregoing:
  - a) To borrow upon the credit of the Municipality a sum not exceeding \$1,690,000.
2. The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty-five (25) years.
3. This bylaw may be cited as "Water Treatment Facility Loan Authorization Bylaw No. 922, 2022".

**READ A FIRST TIME** this 15<sup>th</sup> day of February, 2022.

**READ A SECOND TIME** this 15<sup>th</sup> day of February, 2022.

**READ A THIRD TIME** this 15<sup>th</sup> day of February, 2022.

Certified to be a true and correct copy of the "Water Treatment Facility Loan Authorization Bylaw No. 922, 2022" at Third Reading by the Council of the Village of Pemberton at the Regular Council Meeting No. 1555, held February 15, 2022.



Sheena Fraser  
Corporate Officer



# *Statutory Approval*

*Under the provisions of section* \_\_\_\_\_ 179

*of the* \_\_\_\_\_ Community Charter

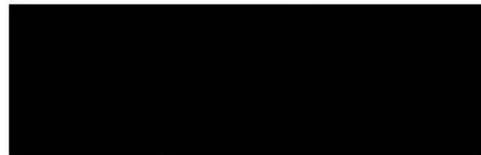
*I hereby approve Bylaw No.* \_\_\_\_\_ 922

*of the* \_\_\_\_\_ Village of Pemberton,

*a copy of which is attached hereto.*

*Dated this* \_\_\_\_\_ 7<sup>th</sup> *day*

*of* \_\_\_\_\_ October *, 2024*



**Deputy Inspector of Municipalities**