



STAFF REPORT

DATE: June 17, 2021 **FILE:**

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: BYLAW NO. 429 - REGIONAL BROADBAND 'LAST MILE' BORROWING AUTHORIZATION

PURPOSE/PROBLEM

To consider moving forward with Bylaw No. 429 which would authorize the Regional District to borrow funds for the purpose of capital financing high-speed internet infrastructure in Gold River, Tahsis, Sayward and part of Quadra Island to connect residents, businesses and other entities to the Connected Coast network.

EXECUTIVE SUMMARY

The attached Bylaw No. 429 was considered at the April 14, 2021 meeting of the Regional Board at which time the bylaw was given first 3 readings and the following resolution was passed:

Cornfield/Davis: SRD 328/21

THAT elector approval for Bylaw No. 429 be authorized to be obtained by alternative approval process.

Bylaw No. 429 has now been approved by the Inspector of Municipalities and it would be in order for the Board to proceed with an alternative approval process (AAP) to gauge elector support for the initiative. In order to do that, the Board will need to approve the elector response form to be used, the deadline for elector responses and the total number of electors eligible to participate in the AAP. All of that information will be available to the public as part of the bylaw approval process.

At the conclusion of the elector response period a further report will be presented to the Board with the results of the AAP and, in the event that less than 10% of the electors submit written objections prior to the deadline, the Board may proceed with adoption of Bylaw No. 429 without further approvals. On the other hand, if at least 10% of the total electors respond in the negative, the Board will only be able to adopt Bylaw No. 429 if an assent voting opportunity is provided and a majority of electors who cast a vote do so in favour of the bylaw.

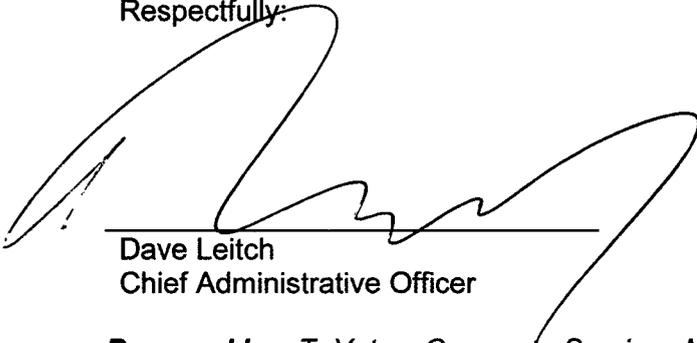
A schedule for advancing this initiative has been prepared and is attached to this report for the Board's information.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the elector response form attached to the June 17, 2021 report from the Chief Administrative Officer be approved for the alternative approval process for Bylaw No. 429.

3. THAT the total number of electors within the area affected by Bylaw No. 429 be fairly determined as 34,729 for purposes of the alternative approval process.
4. THAT the deadline for submission of elector responses in respect of the alternative approval process for Bylaw No. 429 be established as 12:00 noon on Monday, August 30, 2021.
5. THAT Bylaw No. 429 be returned for further consideration at the September 8, 2021 Board meeting.

Respectfully:

A large, stylized handwritten signature in black ink, appearing to read 'Dave Leitch', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Dave Leitch
Chief Administrative Officer

Prepared by: T. Yates, Corporate Services Manager

Attachments: Determination of Eligible Electors for Bylaw No. 429 alternative approval process
Elector Response Form for Bylaw No. 429
Bylaw No. 429

| Schedule | Action |
|-------------------|--|
| March 24, 2021 | Regional Board directs the preparation of bylaw to authorize entering into agreement with City West for financing last-mile infrastructure for Gold River, Tahsis, Sayward and part of Quadra Island. |
| April 14, 2021 | Regional Board gives first 3 readings to Bylaw No. 429, being Regional Broadband Infrastructure Loan Authorization Bylaw 2018, Amendment No.1, and authorizes approval of the electors to be obtained by alternative approval process (AAP). |
| April 16, 2021 | Bylaw No. 429 submitted to Inspector of Municipalities for approval under s.342 of <i>Local Government Act</i> . |
| April 28, 2021 | Board gives first 3 readings to Bylaw No. 428, being Broadband Infrastructure Capital Financing Agreement Authorization Bylaw, 2021. |
| May 5, 2021 | First publication of Notice of Intention to adopt Bylaw No. 428. |
| May 12, 2021 | Second publication of Notice of Intention to adopt Bylaw No. 428. |
| May 26, 2021 | Regional Board reviews public feedback and adopts Bylaw No. 428. |
| June 16, 2021 | Inspector of Municipalities approval received for Bylaw No. 429. |
| June 30, 2021 | Regional Board establishes elector response form, elector response deadline and determines total number of electors for AAP for Bylaw No. 429. |
| July 14, 2021 | First publication of AAP notice for Bylaw No. 429. |
| July 21, 2021 | Second publication of AAP notice for Bylaw No. 429. |
| August 30, 2021 | Deadline for filing AAP responses with Regional District. |
| September 8, 2021 | If elector approval received, Regional Board adopts Bylaw No. 429. |
| October 12, 2021 | Quashing period for Loan Authorization Bylaw No. 429 expires. Application made to Inspector of Municipalities for Certificate of Approval. |
| October 20, 2021 | Temporary Borrowing Bylaw No. ____ given 3 readings and adopted by the Board. |
| February 9, 2022 | Security Issuing Bylaw No. ____ given 3 readings and adopted by the Board. |
| April 30, 2022 | Debenture funds received from the Municipal Finance Authority. |

Regional Broadband Infrastructure **Bylaw No. 429**

Determination of Total Number of **Electors for Purposes of an Alternate Approval Process**

- Purpose:** To make a fair determination of the total number of electors within the area affected by Bylaw No. 429, being Regional Broadband Infrastructure Loan Authorization Bylaw 2018, Amendment No.1. An elector is defined as a person who would qualify to vote on the question of approving Bylaw No. 429 if such a vote was to be held on the date this report was prepared.
- Area Affected:** The area affected by Bylaw No. 429 is the entire Strathcona Regional District including the City of Campbell River, Village of Gold River, Village of Sayward, Village of Tahsis, Village of Zeballos and Electoral Areas A, B, C and D.
- Approval Process:** The Regional District intends to proceed with an alternative approval process to determine whether Bylaw No. 429 may be adopted without first obtaining the assent of the electors by voting. Should it be determined that less than ten percent of the eligible electors within the Strathcona Regional District file a written objection to Bylaw No. 429 prior to the deadline for responses, the Regional Board may proceed to adoption without the requirement to obtain elector assent by voting in accordance with the provisions¹ of the *Local Government Act*. In the event ten percent or more of eligible electors object to adoption of Bylaw No. 429 prior to the response deadline, the bylaw may only be adopted if approved through an assent voting process.
- Authority:** The use of an alternative approval process for obtaining the approval of the electors for Bylaw No. 429 is authorized by section 407(3)(b) of the *Local Government Act*.
- Elector Eligibility:** For the purposes of this report the criteria used for determining the eligibility of persons to vote as electors is based on Part 4 [*Assent Voting*] of the *Local Government Act* of British Columbia. That statute defines electors to include persons who meet the following criteria:
- Canadian citizen
 - 18 years of age or older
 - resident of British Columbia for the last 6 months
 - resident of (or owner of real property within) the voting jurisdiction for the last 30 days
 - not otherwise disqualified from voting

Corporate entities are not permitted to qualify as electors in British Columbia.

Methodology:

This report will attempt to make a fair determination of the total number of electors within the area affected by Bylaw No. 429. The number of electors will be the total of those persons who qualify to vote as resident electors and those who qualify to vote as non-resident property electors. Since the methodologies for determining the total number of each type of elector differ significantly, they will need to be determined separately with the results of those calculations aggregated for the purposes of this report.

Resident Electors

Both the Federal and Provincial election authorities maintain lists of registered voters but the databases are not aligned with local government jurisdictional boundaries and are therefore not particularly useful for purposes of this report. Since there is no reliable information available using existing voter enumeration data, it is necessary to consider the use of other data for the purpose of preparing an estimate of eligible electors.

BC Stats and ElectionsBC are public agencies which maintain comprehensive databases of population, population distribution, voter eligibility, voter participation rates and other demographics. The following data are supplied by those agencies:

| Demographic | Estimate | Source |
|--|-----------|-----------------------------|
| Population of British Columbia | 5,071,336 | BC Stats (July 1, 2019) |
| Population of Strathcona Regional District | 49,085 | BC Stats (July 1, 2019) |
| Provincial electors in British Columbia | 3,564,307 | Elections BC (July 1, 2019) |

Using the above data it is can be determined that approximately 70.28% of the population of British Columbia would likely qualify as provincial electors. Notwithstanding minor variations in regional demographics it is believed that this ratio would be sufficiently accurate for estimating the number of provincial electors within the Strathcona Regional District. Since the majority of qualifications required for voting in provincial elections are the same as those required for voting as a resident in local elections, the application of this ratio should provide a reasonable starting point for estimating the number of resident electors within the Strathcona Regional District. Therefore, multiplying the above percentage against the 49,085 population estimate provided by BC Stats yields a total of 34,499 eligible provincial electors resident in the Regional District.

Since there is a minimum residency² requirement associated with qualifying to vote locally it is necessary to eliminate from the above estimate the number of electors who have not resided within the boundaries of the Regional District for the past 30 days. BC Stats maintains annual estimates of international, interprovincial and intraprovincial immigration and emigration for each regional district in British Columbia and has estimated that total in-migration of 2,909

persons occurred between mid-2018 and mid-2019 for the Strathcona Regional District. Although this data does not include 2020 migration numbers it is the most recent data available and is fairly consistent with previous years. Therefore, assuming that in-migration continues to occur at this rate and that the rate is fairly constant throughout the year, an estimate of the number of persons who move to the Strathcona Regional District within a typical 30 day period may be calculated as follows:

$$\begin{array}{r} 30 \text{ days} \\ \text{-----} \times 2,909 = 239 \\ 365 \text{ days} \end{array}$$

Assuming that the provincial ratio of 70.28% eligible electors to total population also applies to recent arrivals, it may be concluded that 168 residents would be disqualified from voting for failing to meet the 30-day residency requirement.

The calculations for resident electors within the Strathcona Regional District may therefore be summarized as follows:

$$\begin{array}{l} \text{Step 1:} \quad 3,564,307 \text{ (eligible provincial electors)} \\ \quad \div 5,071,336 \text{ (total population of B.C.)} \\ \quad = 70.28\% \text{ (B.C. average \% of electors)} \end{array}$$

$$\begin{array}{l} \text{Step 2:} \quad 49,085 \text{ (Strathcona Regional District population)} \\ \quad \times 70.28\% \text{ (B.C. average \% of electors)} \\ \quad = 34,499 \text{ (Strathcona Regional District resident electors)} \end{array}$$

$$\begin{array}{l} \text{Step 3:} \quad 34,499 \text{ (Strathcona Regional District resident electors)} \\ \quad \quad \quad -239 \text{ (30 day residency disqualification)} \\ \quad \quad \quad = 34,260 \text{ (net Strathcona Regional District resident electors)} \end{array}$$

It is concluded that a fair estimate of the number of resident electors within the Strathcona Regional District, based on the above noted data and taking into account those who would be disqualified from voting due to having recently arrived in the Regional District, is 34,260.

Non-Resident Property Electors

Unlike Provincial elections in British Columbia, persons who do not reside within the local voting jurisdiction may qualify to vote in local elections solely on the basis of property ownership³. These non-resident property electors (NRPE's) must be qualified in all other respects (ie. Canadian citizen, 18 years of age or older, resident of BC, etc.) before they may be considered eligible electors. It is important to reiterate that persons who qualify as resident electors within a voting jurisdiction cannot also qualify as non-resident property electors for the same voting jurisdiction.

| Demographic | Count | Source |
|--|--------|---|
| Total properties within Strathcona Regional District | 24,159 | BC Assessment Authority (April 16, 2021) |
| Total registered owners within Strathcona Regional District | 30,030 | |
| Registered owners resident within Strathcona Regional District | 26,952 | |
| Registered owners resident outside of British Columbia | 1,264 | |

In order to estimate the number of NRPE's within the boundaries of the Strathcona Regional District the database of the BC Assessment Authority was queried, and it was determined that there are 24,159 separate properties within the Regional District and 30,030 unique registered owners of those properties.

From this total of 30,030 potential electors the following were eliminated in order:

- 26,952 owners of property resident within the Strathcona Regional District;
- 1,264 owners being non-residents of British Columbia;
- 1,328 owners being corporate entities; and
- 17 properties owned by the Crown (Federal or Provincial);

It was therefore concluded that a reasonable estimate of the number of persons who could qualify to vote as non-resident property electors within the Regional District, based on the most recently available data, is 469. In arriving at this estimate it is worth noting that voting requirements related to age or citizenship of property owners have not been addressed since there is no data available to the Regional District upon which it could evaluate this demographic.

Summary:

The total number of eligible electors within the Strathcona Regional District has been fairly determined to include 34,260 residential electors and 469 non-resident property electors for a total of 34,729.

Conclusion:

For the purpose of the alternative approval process for Bylaw No. 429, being Regional Broadband Infrastructure Loan Authorization Bylaw 2018, Amendment No.1, the total number of eligible electors has been fairly determined to be 34,729. The number of valid elector responses that are required to withhold approval for the adoption of Bylaw No. 429 without first obtaining elector assent by voting is therefore 3,473.

- References:
1. S.86 *Community Charter* and s.342 *Local Government Act*
 2. S.65(1)(d) *Local Government Act*
 3. S.66 *Local Government Act*



ELECTOR RESPONSE FORM
Bylaw No. 429 (Broadband Infrastructure Loan Authorization Amendment)

I, the undersigned, being a duly qualified elector for the Strathcona Regional District, am **opposed** to the adoption of Bylaw No. 429, being Regional Broadband Infrastructure Loan Authorization Bylaw 2018, Amendment No.1, by the Regional Board of the Strathcona Regional District without first obtaining the assent of the electors by voting, and

By affixing my signature below I hereby certify that I meet all of the following requirements:

- I am eighteen years of age or older;
- I am a Canadian Citizen;
- I have resided in British Columbia for at least the last six months;
- I have resided in, **OR** have been a registered owner of real property within, the Strathcona Regional District for at least the last 30 days;
- I am not disqualified by law from voting in local elections; and
- I am entitled to sign this elector response form and have not previously signed an elector response form in relation to Bylaw No. 429.

| |
|---|
| ELECTOR'S FULL NAME (please print legibly including first, last and middle names) |
| |
| RESIDENTIAL ADDRESS |
| |
| MAILING ADDRESS (if different than residential address) |
| |
| CHOOSE ONE: |
| <input type="checkbox"/> I meet all of the requirements to qualify as a resident elector within the Strathcona Regional District. |
| <input type="checkbox"/> I do not meet all of the requirements to qualify as a resident elector but am qualified as a non-resident property elector within the Strathcona Regional District for real property legally described as follows: _____ _____ |
| SIGNATURE OF ELECTOR |
| |

See the reverse side of this form for further information regarding the process.



ELECTOR RESPONSE FORM
Bylaw No. 429 (Broadband Infrastructure Loan Authorization Amendment)

The Board of directors for the Strathcona Regional District is seeking the approval of the electors by alternative approval process for Bylaw No. 429, being Regional Broadband Infrastructure Loan Authorization Bylaw 2018, Amendment No.1. If adopted, Bylaw No. 429 would authorize the Regional District to increase its borrowing authority from \$6 million to \$18 million to fund broadband infrastructure in the region.

Capital funds borrowed under the authority of Bylaw No. 429 would be available for financing the construction of broadband infrastructure, including 'last-mile' infrastructure to serve homes, businesses and other organizations within the Gold River, Quadra Island, Sayward and Tahsis areas. The Regional District has entered into an agreement with City West Cable and Telephone Corporation which would construct and operate the 'last mile' infrastructure using capital financing provided by the Regional District. City West would reimburse the Regional District for all costs of borrowing (including principal and interest payments) over a period not to exceed 25 years.

INSTRUCTIONS

1. If you qualify as an elector for the Strathcona Regional District and are opposed to the adoption of Bylaw No. 429 you may sign and submit an elector response form.
2. If you are NOT opposed to the adoption of Bylaw No. 429 you need not do anything.
3. To submit an elector response form you must qualify as a resident elector or a non-resident property elector for the Strathcona Regional District.

[Note: Only one non-resident property elector may submit an elector response form per property regardless of the number of owners for that property. If a property is owned by more than one person the elector appointed by a majority of the property owners must submit written authorization from those property owners (see page below). Corporate entities are unable to qualify as electors.]

4. Only one elector per elector response form is permitted.
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1.

Elector response forms must be received by the Regional District not later than 12:00 noon on Tuesday, August 3, 2021.

Emailed or faxed elector response forms cannot be accepted; forms **must** contain original signatures to be valid.

2.

The total number of electors in the Regional District has been fairly determined to be 34,729. Unless at least 10% of those electors submit an elector response form to oppose the adoption of Bylaw No. 429 the Regional District may adopt the bylaw without first obtaining the assent of the electors by voting.

3.

For further information please contact:

Thomas Yates
Corporate Officer
Strathcona Regional District
990 Cedar Street
Campbell River, BC
V9W 7Z8
250-830-6700
corporate@strathconard.ca

**NON-RESIDENT PROPERTY ELECTOR
 AUTHORIZATION TO SUBMIT A RESPONSE FORM*
 Bylaw No. 429, Regional Broadband Infrastructure Service**

*To be used only for property having multiple owners.

| APPOINTMENT AND CONSENT | |
|--|--|
| We the undersigned persons, together with the person named as our appointee, constitute a majority of registered owners of the real property described below and we hereby appoint that person and give consent for them to act as the designated non-resident property elector for the purposes of this alternative approval process. | |

| NAME AND ADDRESS OF APPOINTEE | |
|--------------------------------------|---------------|
| LAST NAME | FIRST NAME(S) |
| RESIDENTIAL ADDRESS | |
| CITY/TOWN | POSTAL CODE |
| B.C. | |

| PROPERTY DESCRIPTION | |
|-----------------------------|-------------------------------|
| LEGAL DESCRIPTION | CIVIC ADDRESS (if applicable) |
| or | |

| OWNER SIGNATURES | | |
|--------------------------|-------------------|--------------|
| 1. _____ (PRINT NAME) | _____ (SIGNATURE) | _____ (DATE) |
| 2. _____ (PRINT NAME) | _____ (SIGNATURE) | _____ (DATE) |
| 3. _____ (PRINT NAME) | _____ (SIGNATURE) | _____ (DATE) |
| 4. _____ (PRINT NAME) | _____ (SIGNATURE) | _____ (DATE) |
| 5. _____ (PRINT NAME) | _____ (SIGNATURE) | _____ (DATE) |
| 6. _____ (PRINT NAME) | _____ (SIGNATURE) | _____ (DATE) |

- Note:
- If more than one person owns the above property the person wishing to submit a response form for that property must provide, at the time of submission, written consent from a majority of the property owners.
 - The person appointed as the non-resident property elector must be one of the registered owners of the property.
 - The only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust.
 - A non-resident property elector may not submit more than one response form regardless of the number of properties owned.



BYLAW NO. 429

A BYLAW TO AMEND THE BORROWING AUTHORITY FOR THE REGIONAL BROADBAND INFRASTRUCTURE SERVICE

WHEREAS the Regional District has, by Bylaw No. 322, been authorized to borrow funds to finance the construction of regional broadband infrastructure;

AND WHEREAS the Strathcona Regional District wishes to increase the amount of borrowing authorized under the said Bylaw No. 322;

AND WHEREAS participating area approval has been obtained in accordance with the provisions of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendment

1. Section 1 of Bylaw No. 322 is hereby deleted and the following substituted therefor:

Borrowing Authorized

1. The Regional District is hereby authorized and empowered to borrow upon its credit a sum not exceeding \$18,000,000 (18 million dollars) to finance the construction of broadband infrastructure within the region.

Citation

2. This bylaw may be cited for all purposes as Bylaw No. 429, being Regional Broadband Infrastructure Loan Authorization Bylaw 2018, Amendment No.1.

READ A FIRST TIME ON THE 14TH DAY OF APRIL, 2021

READ A SECOND TIME ON THE 14TH DAY OF APRIL, 2021

READ A THIRD TIME ON THE 14TH DAY OF APRIL, 2021

APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON THE 16TH DAY OF JUNE, 2021

APPROVAL OF THE ELECTORS RECEIVED ON THE DAY OF , 2021

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY OF , 2021

Chair

Corporate Officer