



STAFF REPORT

TO: Council
FROM: Lindsey Grist
Director of Corporate Services
MEETING DATE: June 18, 2019
FILE NO: 4200-20
SUBJECT: Results of Alternative Approval Process – 2019 Prowse Rd Lift Station

RECOMMENDATIONS

THAT the report titled Results of Alternative Approval Process – 2019 Prowse Rd Lift Station be received;

AND THAT “Loan Authorization Bylaw No. 1264, 2019 – Capital Improvements Financing Bylaw”, Prowse Road Lift Station, be adopted.

BACKGROUND / PURPOSE

“Loan Authorization Bylaw No. 1264, 2019 – Capital Improvements Financing Bylaw”, Prowse Road Lift Station, has previously come before Council to approve the borrowing of funds for the upgrade of the Prowse Road Lift Station. This upgrade would address the current condition of the lift station.

The bylaw received 1st, 2nd and 3rd readings at the February 19th 2019 Council meeting. It was then forwarded to the Inspector of Municipalities and received Statutory Approval on April 12 2019. Council then approved the AAP process, the 10% threshold of total number of eligible electors for the Town of Gibsons, the deadline of June 12th 2019, and the electoral response form at the April 30th 2019 Council meeting.

As required by Section 86 of the *Community Charter* (Alternative Approval Process) and authorized by Council, Staff advertised and posted the opportunity to oppose Council proceeding with borrowing funds for construction, without first obtaining the assent of the electors in a voting proceeding (referendum). Two advertisements were placed in the local newspaper May 3rd and 10th as required by Section 94 of the *Community Charter*. Electors were given until 4:00 p.m. on June 12, 2019 to oppose adoption of this bylaw.

DISCUSSION

Staff received 334 Elector Response forms opposing the adoption of Bylaw 1264. The total number of valid Elector Response forms required, from at least 10% of the electors of the Town of Gibsons, was previously calculated to be 372. (Certification attached). Approval of the electors

has been obtained for the adoption of “Loan Authorization Bylaw No. 1264, 2019 – Capital Improvements Financing Bylaw”, Prowse Road Lift Station.

POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

The upgrades at the Prowse Road Lift Station are part of a responsible asset management strategy. Constructed in 1972, the Prowse Road Lift Station is a very old (and essential) infrastructure asset that, like all infrastructure, requires ongoing investment to ensure it continues to deliver an acceptable level of service. A retrofit and eventual replacement of the Prowse Road lift station have been components of the Town’s long-term asset management plan since 2008. The need to move forward with this work has now become urgent, with planned upgrades to include replacing corroded pipes, improving the wet well and updating valves and electrical components. These upgrades are also expected to help the lift station better sustain extreme weather events, which have become more common in recent years.

A catastrophic failure at the lift station could lead to the overflow of sewage into Gibsons Harbour. This would have a significant negative environmental impact and also expose the Town to substantial provincial fines that could surpass the cost of the upgrades.

Financial Plan Implications

Funding upgrades to, or the reconstruction of, the Prowse Road Lift Station was included in four consecutive (2009 – 2012) Five Year Financial Plans.

The Town of Gibsons applied for a Gas Tax Grant to cover 100% funding of the replacement of the Prowse Road Lift Station. In January 2013 the Town learned the grant application was not successful.

Funding for Retrofit of the Prowse Road lift station was included in the 2016 Five Year Financial Plan, with a proposed 2018 construction date.

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In 2019, due to inadequate reserves, Council approved initiating an Alternate Approval Process, in order to borrow the \$1.758 million required to complete the Prowse Road Retrofit.

RECOMMENDATIONS / ALTERNATIVES

Staff’s recommendation is included on page one of this report,

THAT “Loan Authorization Bylaw No. 1264, 2019 – Capital Improvements Financing Bylaw” be adopted.

Alternately, Council could choose to:

- Not fund this project through debt;
- Conduct assent voting even though the number of verified responses is under the 10% threshold;

To achieve this Council could adopt a resolution stating:

THAT “Loan Authorization Bylaw No. 1264, 2019 – Capital Improvements Financing Bylaw” be abandoned.

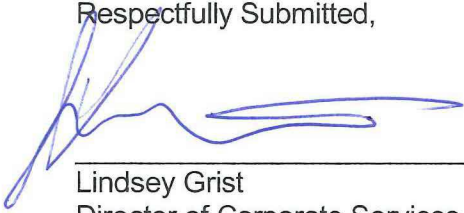
OR

THAT Staff be directed to begin the process for assent voting on “Loan Authorization Bylaw No. 1264, 2019 – Capital Improvements Financing Bylaw”.

Attachments

- Statutory Approval of Loan Authorization Bylaw No. 1264, 2019
- Copy of Notice of Alternative Approval Process
- Certification of Results
- Loan Authorization Bylaw No. 1264, 2019 Prowse Road Lift Station

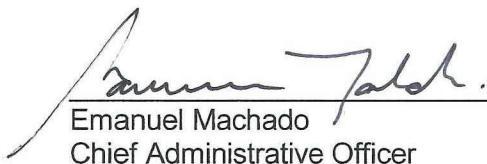
Respectfully Submitted,



Lindsey Grist
Director of Corporate Services

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS:

I have reviewed the report and support the recommendation(s).



Emanuel Machado
Chief Administrative Officer



Statutory Approval

Under the provisions of sections _____ 179 _____

of the _____ Community Charter _____

I hereby approve Bylaw No. _____ 1264 _____

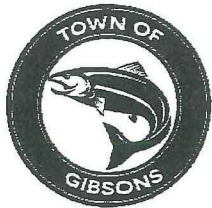
of the _____ Town of Gibson _____

a copy of which is attached hereto.

Dated this 12 *day*

of April *, 2019*

Deputy Inspector of Municipalities



Town of Gibsons

NOTICE OF ALTERNATIVE APPROVAL PROCESS

NOTICE IS HEREBY GIVEN THAT pursuant to the *Community Charter*, the Council of the Town of Gibsons proposes to adopt "*Loan Authorization Bylaw 1264, 2019 Capital Improvement Financing Bylaw*" for the purpose of undertaking upgrades to the Prowse Road Lift Station within the Town of Gibsons. Bylaw No. 1264 proposes to borrow, by way of debenture, no more than \$1,760,000 with such debt to be repaid within a twenty year period from the date of issue of the debenture. As the project pertains to the entire municipality, the cost of borrowing will be borne by the municipality as a whole. The overall cost of the works will be \$1,758,000 and the total amount of the works will be funded by debt.

- **2019 Prowse Road Lift Station – Construction** **\$1,758,000** **Funded by Debt**

FURTHER NOTICE IS HEREBY GIVEN THAT, the Council of the Town of Gibsons may adopt "*Loan Authorization Bylaw 1264, 2019 Capital Improvement Financing Bylaw*" and proceed with the projects as noted above if, after the deadline, elector response forms are certified by the Corporate Officer as having been signed by less than 10% of the eligible electors in the Town of Gibsons. Alternately, if after the deadline, elector response forms are certified by the Corporate Officer as having been signed by at least 10% of the eligible electors in the Town of Gibsons, the Council may not adopt "*Loan Authorization Bylaw 1264, 2019 Capital Improvement Financing Bylaw*" and may not proceed with the project unless it receives assent of the electors in a voting proceeding.

10% of the eligible electors has been calculated as 372 electors. The Council may not proceed with "*Loan Authorization Bylaw 1264, 2019 Capital Improvement Financing Bylaw*", if at least 372 eligible electors sign elector response forms and submit them to the Corporate Officer.

Elector Response Forms

The response of the electors must be in the form established by the Town of Gibsons. Forms are available for pick up at the Town office located at 474 S. Fletcher Road. Elector response forms must meet the following conditions:

- only eligible electors of the Town of Gibsons are entitled to sign an elector response form;
- the full name of the elector must be stated;
- the residential address of the elector must be stated;
- the elector must sign the elector response form;
- if applicable, the address of the property in relation to which the person is entitled to vote as a non-resident property elector must be stated; and,
- the elector response form must be submitted to the Corporate Officer before the deadline.

Forms may be submitted in person or by mail to be received by the Corporate Officer at Town Hall, 474 South Fletcher Road **NO LATER THAN 4:00 P.M. ON WEDNESDAY, June 12 2019**. Elector response forms must be in the possession of the Corporate Officer by this time as postmarks WILL NOT be accepted as date of submission. Accurate reproductions of the form are also acceptable.

Eligible Elector

An eligible elector for the purpose of this Alternative Approval Process is a resident who meets the following criteria:

- is age eighteen or older;
- is a Canadian citizen;
- has been a resident of British Columbia for at least six months;
- has been a resident of the Town of Gibsons for at least thirty days; and,
- is not disqualified from voting by the *Local Government Act* or any other act.

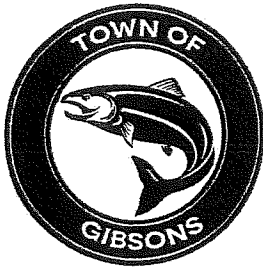
A non-resident property elector who meets the following criteria is also an eligible elector:

- is not entitled to register as a resident elector for the Town of Gibsons;
- is age eighteen or older;
- is a Canadian citizen;
- has been a resident of British Columbia for at least six months;
- has been a registered owner of the real property within the Town of Gibsons for at least thirty days; and,
- is not disqualified from voting by the *Local Government Act* or any other act.

Note: Corporations are not entitled to vote nor is land held in a corporate name eligible to vote. In the case of multiple owners of a parcel, only one person may vote as a non-resident property elector.

More information may be obtained by contacting Lindsey Grist, Corporate Officer, at the Town of Gibsons office at 474 S. Fletcher Road, by telephone at 604.886.2274, by email at lgrist@gibsons.ca or at the Town website at <https://gibsons.ca/services/wastewater/prowse-road-lift-station-upgrade/>.

Lindsey Grist
Corporate Officer



TOWN OF GIBSONS CERTIFICATION

OF:
ALTERNATE APPROVAL PROCESS
FOR: **LOAN AUTHORIZATION BYLAW NO. 1264, 2019**
TO: CONSTRUCT CAPITAL IMPROVEMENTS

Given That:

1. The number of valid Elector Response Forms required from at least 10% of the eligible electors of the Town of Gibsons is 372; and,
2. The number of valid Elector Response Forms received by the Corporate Officer for the Town of Gibsons before the deadline of 4:00pm on June 12, 2019, was 334;

I, Lindsey Grist, Corporate Officer for the Town of Gibsons, hereby declare that the approval of the electors has been obtained.

Lindsey Grist, Corporate Officer

June 14, 2019

Date

TOWN OF GIBSONS

Loan Authorization Bylaw No. 1264

A bylaw to authorize the borrowing of the estimated cost
of constructing sanitary improvements to the Town's infrastructure

WHEREAS it is deemed desirable and expedient to construct capital improvements to the sanitary fund infrastructure servicing the Town of Gibsons;

AND WHEREAS the estimated cost of constructing the capital improvements including expenses incidental thereto is \$1,760,000 which is the amount of intended debt created by this bylaw;

NOW THEREFORE the Council of the Town of Gibsons in open meeting assembled, enacts as follows:

1. The Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the construction of improvements to the sanitary infrastructure in the amount of \$1,760,000 in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - (a) to borrow upon the credit of the Municipality a sum not exceeding \$1,760,000.
 - (b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the construction of the said improvements.
2. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years.
3. This bylaw may be cited as "Loan Authorization Bylaw No. 1264, 2019 Capital Improvement Financing Bylaw".

READ a First Time this 19th day of February 2019

READ a Second Time this 19th day of February 2019

READ a Third Time this 19th day of February 2019

RECEIVED the approval of the
Inspector of Municipalities this

12th day of April 2019

**ALTERNATIVE APPROVAL PROCESS
CERTIFIED AND APPROVAL OF THE
ELECTORS DEEMED TO HAVE BEEN
GIVEN** this

14th day of June 2019

ADOPTED this

day of 2019