



**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JANUARY 10, 2018**

SUBJECT Options for Obtaining Approval of the Electors for Transportation Service Bylaw

ISSUE

Provision of information on options for obtaining legislatively required electoral approval prior to establishing a Transportation Service.

BACKGROUND

The Capital Regional District (CRD) Board identified establishment of a regional transportation service as among its 2015-2018 Board priorities. The establishment of a Transportation Service aligns with the recommendations of the Regional Transportation Plan (RTP) and the Transportation Service Feasibility Study. The Transportation Service Feasibility Study indicated that the creation of a transportation service would best achieve the actions identified in the RTP.

At its November 8, 2017 meeting, the CRD Board approved the below motion:

- a) *That Bylaw No. 4093 "Regional Transportation Service Establishment Bylaw, 2017" be introduced and read a first and second time, and read a third time; and*
- b) *That the Board direct staff to forward Bylaw No. 4093 "Regional Transportation Service Establishment Bylaw, 2017" to the Inspector of Municipalities for approval.*

The bylaw has been referred to the Inspector of Municipalities. Before the Regional Transportation Service Establishment Bylaw can be adopted, it must receive approval of the electors and the Inspector of Municipalities. There are three methods for obtaining electoral approval.

ALTERNATIVES

Alternative 1

That the Capital Regional District Board

- a) rescind third reading of Bylaw No. 4093 "Regional Transportation Service Bylaw, 2017",
- b) amend Bylaw No. 4093 "Regional Transportation Service Bylaw, 2017" as shown in Attachment 1,
- c) give third reading to Bylaw No. 4093 "Regional Transportation Service Bylaw, 2017", as amended, and
- d) direct staff to initiate a region-wide Alternate Approval Process (AAP) as identified in Section 345 of the *Local Government Act* to meet the legislative requirement for voter approval in relation to Bylaw 4093.

Alternative 2

That this report be referred back to staff for further review based on Board direction.

IMPLICATIONS

Provincial Implications

Before the Regional Transportation Service Establishment Bylaw can be adopted, it must receive approval of the electors and the Inspector of Municipalities. Feedback from the Inspector's office indicates that they wish to know which voter approval method the CRD will be using and will approve the bylaw only once it has received electoral approval. The CRD forwarded to the Inspector's Office (Office) a copy of the bylaw that was given three readings on November 29, 2017 to provide provincial staff with an opportunity to provide preliminary review. Similar to other bylaws sent for review, the Office had some minor suggestions. Staff have prepared a revised bylaw in response to that input (Attachment 1). Revision of the bylaw and identification of the electoral approval process is anticipated to address issues identified to date and should facilitate approval of the bylaw by the Inspector of Municipalities following the voter assent process.

Legislative Implications

Before the Regional Transportation Service Establishment Bylaw can be adopted, the *Local Government Act (LGA)* requires that the bylaw receive approval from the electors. The *Act* sets out three ways to obtain approval:

1. *LGA* Section 344: Referendum
2. *LGA* Section 345: Alternate Approval Process (AAP)
 - a. If more than 10% of registered voters object, a referendum would be triggered. Note that a *region-wide* AAP would require Board resolution and 2/3 majority board acceptance.
3. *LGA* Section 346: Consent by each Municipal Council (consenting on behalf of electors) and by AAP within the Electoral Areas (EAs).

Input Implications

A region-wide AAP ensures all eligible voters in the region are treated equally. Every voter within the CRD regardless of where they live would have an opportunity to express an opinion.

While a referendum would also provide all voters with an equal voice it would come at much greater cost and administrative burden.

Municipal consent/EA AAP would mean that EA residents would have a chance to express their opposition by signing a petition, whereas municipal residents would not.

Procedural Implications

An AAP process requires two rounds of advertising followed by a 30-day window for eligible voters to register their opinion that the matter is of such significance that a referendum should be held. Typically, if more than 10% of eligible voters sign a petition, either a referendum is conducted or no further action is taken to pursue a service.

Timing and Cost Implications

A region-wide AAP (Alternative 1) would take approximately three to five months and would cost approximately \$12,000. This cost includes advertising and establishing areas for drop off throughout the region.

A referendum would take four to six months and would likely cost in excess of \$200,000. Running a referendum in conjunction with the 2018 local government elections is not likely to achieve savings or efficiencies as the CRD cannot require municipalities to participate nor can the CRD be assured that the question provided on the ballot would be the same throughout the region.

Municipal consent/EA AAP would take approximately three to five months and is estimated to cost approximately the same as the region-wide AAP depending on level of support requested by the municipalities and electoral areas. This timing and cost assumes that the bylaw is approved on a first go-around.

Under a municipal consent/EA AAP, lack of support from even one part of the region would mean that the bylaw would have to be amended to reflect a smaller service area and then, again, sent out for approval. It is possible that some who supported the bylaw when all were party to the service may not support it if one or more choose not to participate. The likely multiple iterations would increase time to gain approval and would increase costs. Practically speaking, this dynamic renders municipal consent/EA approval an unpromising option for gaining assent.

Regardless of the approval process chosen, the costs would be initially charged to the Board budget. If the service is established, the new service would be required to reimburse these costs.

Staffing Implications

A region-wide AAP can be coordinated through the CRD Legislative Services Division using existing staff.

A region-wide referendum process would likely require additional temporary staffing that would require funding.

Service Implications

Participation of all partner municipalities and EAs is key to realizing the full potential of a transportation service. Given feedback received to date, a region-wide AAP (Alternative 1) is most likely to achieve the Board priority of establishing a *region-wide* transportation service.

A few municipalities and one EA have previously expressed reluctance to support a regional transportation service. Although the bylaw has been amended to respond to cited concerns, it is possible that there may be some opposition to the establishment of the service. Under the municipal consent/EA AAP option, lack of support by even one municipality or EA would prevent the service from being region-wide.

If a region-wide AAP is not used then it is unlikely that the Board will achieve its objective of establishing a regional transportation service.

CONCLUSION

Establishment of a regional transportation service requires approval of the electors under one of the three processes set out in the *Local Government Act*. A region-wide AAP would ensure that eligible voters of the EAs and municipalities are treated the same and that all eligible voters from across the region have the opportunity to participate in the decision-making process. A region-wide AAP is the most process and cost efficient of the electoral approval options and would be most likely to result in a region-wide service.

RECOMMENDATIONS

That the Capital Regional District Board

- a) rescind third reading of Bylaw No. 4093 “Regional Transportation Service Bylaw, 2017”,
- b) amend Bylaw No. 4093 “Regional Transportation Service Bylaw, 2017” as shown in Attachment 1,
- c) give third reading to Bylaw No. 4093 “Regional Transportation Service Bylaw, 2017”, as amended, and
- d) direct staff to initiate a region-wide Alternate Approval Process (AAP) as identified in Section 345 of the *Local Government Act* to meet the legislative requirement for voter approval in relation to Bylaw 4093.

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JH/SB/EG:kj

Attachment 1 - Bylaw 4093 “Regional Transportation Service Establishment Bylaw, 2018”