



STAFF REPORT

DATE: June 24, 2022 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: BYLAW NO. 461 – ELECTORAL AREA C WHARVES SERVICE

PURPOSE/PROBLEM

To consider proceeding at this time with an alternative approval process (AAP) for Bylaw No. 461 which proposes to establish a service for funding the operation and maintenance of wharves infrastructure in Electoral Area C (Discovery Islands-Mainland Inlets).

EXECUTIVE SUMMARY

At its April 27, 2022 meeting the Board gave first 3 readings to Bylaw No. 461 and authorized approval of the electors to be obtained through an alternative approval process (AAP). Bylaw No. 461 has now received approval from the Inspector of Municipalities and the Board may proceed at this time to seek elector approval.

Before proceeding with public notification for the AAP, the Board will need to establish 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 approval process. At the conclusion of the elector response period a further report will be presented to the Board confirming the number of responses and the results of the AAP.

In the event that less than 10% of the electors submit responses to the Regional District prior to the deadline the Board may proceed with adoption of Bylaw No. 461 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. 461 if an assent voting opportunity is provided and a majority of electors who vote at that opportunity are in favour of the bylaw.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the total number of electors within the area affected by Bylaw No. 461 be fairly determined to be 2,419 for purposes of the alternative approval process.
3. THAT the deadline for submission of elector responses in respect of the alternative approval process for Bylaw No. 461 be established as 4:30 p.m. on Thursday, August 11, 2022.
4. THAT the elector response form attached to the June 24, 2022 report from the Chief Administrative Officer be approved for use with the alternative approval process for Bylaw No. 461.

Respectfully:



Dave Leitch
Chief Administrative Officer

Prepared by: *T. Yates, Corporate Services Manager*

Attachments: Bylaw No. 461
Estimate of Eligible Electors within proposed Electoral Area C wharves service area
Elector Response Form for Bylaw No. 461 AAP
Copy of June 10, 2022 report to the Regional Board

COPY



BYLAW NO. 461

A BYLAW TO ESTABLISH A WHARVES SERVICE WITHIN ELECTORAL AREA C (DISCOVERY ISLANDS-MAINLAND INLETS)

WHEREAS the Regional District may, pursuant to the *Local Government Act*, operate any service that it considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Regional Board wishes to establish a wharves service for the benefit of Electoral Area C (Discovery Islands-Mainland Inlets);

AND WHEREAS the approval of the electors has been obtained in accordance with s.345 of the *Local Government Act*,

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

Service Established

1. There is hereby established a service to be known as the Electoral Area C wharves service.

Participating Area

2. The participating area for the service is Electoral Area C (Discovery Islands-Mainland Inlets).

Service Area Boundaries

3. The boundaries of the service area encompass all of Electoral Area C (Discovery Islands-Mainland Inlets).

Service Described

4. The service hereby established includes the construction, operation, maintenance and improvement of wharf facilities and related infrastructure.

Cost Recovery

5. The costs of the service may be recovered by one or more of the following methods:
 - (a) property value taxes imposed in accordance with s.378 of the *Local Government Act*;
 - (b) fees and charges imposed under s.397 of the *Local Government Act*;

- (c) revenues received by way of agreement, enterprise, gift, grant or otherwise; and
- (d) revenues raised by other means authorized under the *Local Government Act* or another Act.

Maximum Annual Requisition

- 6. The maximum amount that may be requisitioned annually for the service is \$50,000 or the equivalent of \$0.0397 per \$1,000 of net taxable assessments within the service area, whichever is greater.

Citation

- 7. This bylaw may be cited for all purposes as Bylaw No. 461, being Electoral Area C Wharves Service Establishing Bylaw 2022.

READ A FIRST TIME ON THE 27TH DAY OF APRIL, 2022

READ A SECOND TIME ON THE 27TH DAY OF APRIL, 2022

READ A THIRD TIME ON THE 15TH DAY OF JUNE, 2022

APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON THE 21ST DAY OF JUNE, 2022

APPROVED BY THE ELECTORS ON THE DAY OF . 2022

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY OF , 2022

Chair

Corporate Officer

Electoral Area C Wharves Service Bylaw No. 461

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. 461, being Electoral Area C Wharves Service Establishing Bylaw 2022. An elector is defined as a person who would qualify to vote on the question of approving Bylaw No. 461 if such a vote was to be held on the date this report was prepared.
- Area Affected:** The area affected by Bylaw No. 461 is the entirety of Electoral Area C which includes a large number of islands situated between Vancouver Island and the British Columbia mainland, as well as that part of the British Columbia mainland located between Desolation Sound and Havannah Channel.
- Approval Process:** The Regional District intends to proceed with an alternative approval process to determine whether Bylaw No. 461 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 affected area file a written objection to Bylaw No. 461 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 that ten percent or more of the eligible electors object to adoption of Bylaw No. 461 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. 461 is authorized by section 345 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 Electoral Area C (or owner of real property within Electoral Area C 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. 461. 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 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, Elections BC and the Ministry of Municipal Affairs are public agencies that 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	44,671	Municipal Affairs (November 1, 2017)
Population of Electoral Area C	2,578	Municipal Affairs (November 1, 2017)
Provincial electors in British Columbia	3,564,307	Elections BC (July 1, 2019)

Using the above data, it can be determined that approximately 70.3% 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 Electoral Area C. 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 estimate of the number of resident electors within Electoral Area C. Therefore, multiplying the above percentage against the 2,578 population estimate provided by the Ministry of Municipal Affairs yields a total of 1,812 eligible resident electors in Electoral Area C.

The calculations for resident electors within Electoral Area C may therefore be summarized as follows:

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

$$\begin{aligned}
 \text{Step 2:} & \quad 2,578 \text{ (Electoral Area C population)} \\
 & \quad \times 70.28\% \text{ (B.C. average \% of electors)} \\
 & \quad = 1,812 \text{ (Potential Electoral Area C resident electors)}
 \end{aligned}$$

It is concluded that a fair estimate of the number of resident electors within the area affected by Bylaw No. 461, based on the above noted data is 1,812.

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 Electoral Area C	3,573	BC Assessment Authority (June 8, 2022)
Total registered owners within Electoral Area C	2,656	
Registered owners resident within Electoral Area C	1,514	
Registered owners resident outside of British Columbia	278	
Registered owners being corporate entities	170	
Registered owners being public entities	87	

In order to estimate the number of NRPE's within the boundaries of the proposed wharves service area, the database of the BC Assessment Authority was queried, and it was determined that there are 3,573 separate properties within Electoral Area C and 2,656 unique registered owners of those properties.

From this total of 2,656 potential electors the following were eliminated in order:

- 1,514 owners of property resident within the proposed service area;
- 278 owners of property being non-residents of British Columbia;
- 170 owners being corporate entities; and

- 87 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 proposed Electoral Area C wharves service area, based on the most recently available data, is 607. In arriving at this estimate it is worth noting that voting requirements related to age, citizenship or length of ownership for property owners have not been addressed since there is no data available to the Regional District upon which to evaluate this demographic.

Summary:

The total number of eligible electors within Electoral Area C has been fairly determined to include 1,812 resident electors and 607 non-resident property electors for a total of 2,419.

Conclusion:

For the purpose of the alternative approval process for Bylaw No. 461, being Electoral Area C Wharves Service Establishing Bylaw 2022, the total number of eligible electors has been fairly determined to be 2,419. The number of valid elector responses that are required to withhold approval for the adoption of Bylaw No. 461 without first obtaining elector assent by voting is therefore 242.

- 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. 461 (Electoral Area C Wharves
Service Establishing Bylaw 2022)**

I, the undersigned, being a duly qualified elector of Electoral Area C, am **opposed to** the adoption of Bylaw No. 461, being Electoral Area C Wharves Service Establishing Bylaw 2022, by the Board of Directors for 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 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 am a resident of Electoral Area C of the Strathcona Regional District,

OR

I have been a registered owner of real property within Electoral Area C of 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. 461.

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 am a resident elector within Electoral Area C of the Strathcona Regional District.
<input type="checkbox"/> I am not a resident elector within Electoral Area C of the Strathcona Regional District but own real property within Electoral Area C that is legally described as follows: _____ _____ _____
SIGNATURE OF ELECTOR

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



ELECTOR RESPONSE FORM
**Bylaw No. 461 (Electoral Area C Wharves
Service Establishing Bylaw 2022)**

The Board of directors for the Strathcona Regional District is seeking the approval of the electors by alternative approval process for Bylaw No. 461, being Electoral Area C Wharves Service Establishing Bylaw 2022. If adopted, Bylaw No. 461 would authorize the Regional District to establish a service for funding the operation and maintenance of wharves and related infrastructure within Electoral Area C of the Strathcona Regional District.

The maximum amount that could be requisitioned annually under Bylaw No. 461 is \$50,000 or the equivalent of \$0.0397 per 1,000 of the net taxable value of land and improvements in the proposed service area.

INSTRUCTIONS

1. If you qualify as an elector for the proposed Electoral Area C wharves service area and are opposed to the adoption of Bylaw No. 461 you can sign and submit an elector response form.
2. If you are **NOT opposed** to the adoption of Bylaw No. 461 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 within Electoral Area C of 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 owners is the only person able to complete and submit a response form on behalf of the property. See Page 3 of this form.]

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

1.

Elector response forms must be received by the Regional District not later than 4:30 p.m. on Thursday, August 11, 2022.

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

2.

The total number of electors in the proposed Electoral Area C wharves service area has been fairly determined to be 2,419. Unless at least 10% of those electors submit an elector response form to oppose the adoption of Bylaw No. 461, 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@srd.ca

**NON-RESIDENT PROPERTY ELECTOR
AUTHORIZATION TO SUBMIT A RESPONSE FORM*
Bylaw No. 461, Electoral Area C Wharves 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.



STAFF REPORT

DATE: June 10, 2022 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: BYLAW NO. 461 – ELECTORAL AREA C WHARVES SERVICE

PURPOSE/PROBLEM

To consider an amendment to Bylaw No. 461 for the purpose of securing approval by the Inspector of Municipalities prior to seeking approval of the electors for the Electoral Area C wharves service.

EXECUTIVE SUMMARY

At its April 27, 2022 meeting the Board gave first 3 readings to Bylaw No. 461 and authorized approval of the electors to be obtained through an alternative approval process (AAP). The bylaw was subsequently forwarded to the Inspector of Municipalities for approval as required by the *Local Government Act*.

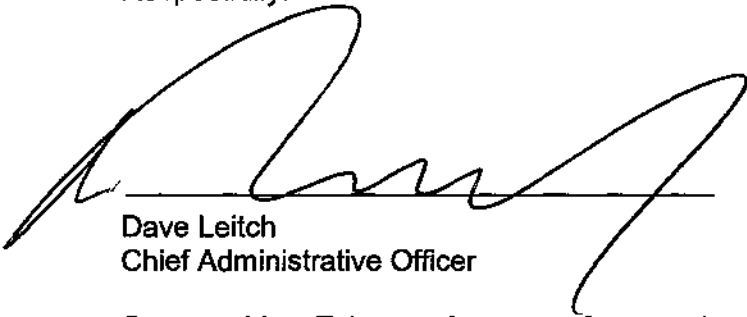
The Ministry of Municipal Affairs has indicated that the Inspector's approval of the bylaw as currently written is unlikely since the annual requisition limit of 0.0353 per \$1,000 of assessment is not equivalent to the \$50,000 stated in the bylaw. In the Ministry's opinion, the tax rate of 0.0397 per \$1,000 is the correct rate to be used in the bylaw. The difference is that the lower figure is the projected residential rate needed to raise \$50,000 based on 2022 property assessments, while the higher rate is a blended rate for all property classes in the service area.

The use of the lower rate for calculating an equivalent requisition is not unprecedented. Experience has shown that there are challenges in convincing ratepayers that having a higher rate in the bylaw than what has been projected in the feasibility study is not simply an attempt to 'pad' the requisition. In any event, the Regional District has been advised that the bylaw will likely need to be amended in order to secure the Inspector's approval.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT third reading of Bylaw No. 461 be rescinded.
3. THAT section 6 of Bylaw No. 461 be amended by deleting the words "\$0.0353 per \$1,000 of net taxable assessments" and substituting the words "\$0.0397 per \$1,000 of net taxable assessments".
4. THAT Bylaw No. 461 be given third reading as amended.

Respectfully:



A handwritten signature in black ink, appearing to read 'Dave Leitch', is written over a horizontal line. The signature is fluid and cursive.

Dave Leitch
Chief Administrative Officer

Prepared by: T. Yates, Corporate Services Manager

Attachments: Bylaw No. 461

COPY



BYLAW NO. 461

A BYLAW TO ESTABLISH A WHARVES SERVICE WITHIN ELECTORAL AREA C (DISCOVERY ISLANDS-MAINLAND INLETS)

WHEREAS the Regional District may, pursuant to the *Local Government Act*, operate any service that it considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Regional Board wishes to establish a wharves service for the benefit of Electoral Area C (Discovery Islands-Mainland Inlets);

AND WHEREAS the approval of the electors has been obtained in accordance with s.345 of the *Local Government Act*,

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

Service Established

1. There is hereby established a service to be known as the Electoral Area C wharves service.

Participating Area

2. The participating area for the service is Electoral Area C (Discovery Islands-Mainland Inlets).

Service Area Boundaries

3. The boundaries of the service area encompass all of Electoral Area C (Discovery Islands-Mainland Inlets).

Service Described

4. The service hereby established includes the construction, operation, maintenance and improvement of wharf facilities and related infrastructure.

Cost Recovery

5. The costs of the service may be recovered by one or more of the following methods:
 - (a) property value taxes imposed in accordance with s.378 of the *Local Government Act*;
 - (b) fees and charges imposed under s.397 of the *Local Government Act*;
 - (c) revenues received by way of agreement, enterprise, gift, grant or otherwise; and

(d) revenues raised by other means authorized under the *Local Government Act* or another Act.

Maximum Annual Requisition

6. The maximum amount that may be requisitioned annually for the service is \$50,000 or the equivalent of \$0.0353 per \$1,000 of net taxable assessments within the service area, whichever is greater.

Citation

7. This bylaw may be cited for all purposes as Bylaw No. 461, being Electoral Area C Wharves Service Establishing Bylaw 2022.

READ A FIRST TIME ON THE 27TH DAY OF APRIL, 2022

READ A SECOND TIME ON THE 27TH DAY OF APRIL, 2022

READ A THIRD TIME ON THE 27TH DAY OF APRIL, 2022

APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON THE DAY OF , 2022

APPROVED BY THE ELECTORS ON THE DAY OF . 2022

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY OF , 2022

Chair

Corporate Officer



STAFF REPORT

DATE: April 22, 2022 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: BYLAW NO. 461- ELECTORAL AREA C WHARVES SERVICE

PURPOSE/PROBLEM

To consider first 3 readings of Bylaw No. 461 which would establish a service to fund the operation and maintenance of wharves within Electoral Area C (Discovery Islands and Mainland Inlets).

EXECUTIVE SUMMARY

The attached report was considered at the April 13, 2022 meeting of the Electoral Areas Services Committee at which time the following resolution was passed:

Whalley/Anderson EASC 85/22

THAT the Committee recommend that the draft bylaw to establish a wharves service for Electoral Area C be forwarded to the Board for first 3 readings, and

THAT the Board consider seeking the approval of the electors through an alternative approval process.

Based on the Committee's recommendation the attached bylaw has been prepared for the Board's consideration based on the feasibility study that was included with the report. With respect to the annual requisition limit, the Board has discretion in terms of how that will be described in the service establishing bylaw. These include a fixed dollar amount, a rate per 1,000 of assessed property values, or the greater of these. In the present case, since a fixed dollar amount contains no provision for cost increases due to inflation, it is recommended that a rate equivalent to the estimated 3 ½ cents per 1,000 of assessment also be included in the bylaw.

The Committee has also recommended that approval of the electors be sought through an alternative approval process (AAP) which would allow the Board to gauge the level of support in the affected area for this initiative and, if less than 10% of the electors object, to adopt the service establishing bylaw without the need for a formal and costly voting process.

In the event a separate service is not established to operate and maintain wharf infrastructure in Electoral Area C, any costs associated with the management or mismanagement of that infrastructure (including legal costs) would be cost-shared by all electoral areas through the Electoral Area administration service.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 461, being a bylaw to establish a wharves service within Electoral Area C (Discovery Islands-Mainland Inlets), be now introduced and read a first time.

3. THAT the rules be suspended and Bylaw No. 461 be given second and third readings.
4. THAT approval of the electors for Bylaw No. 461 be authorized to be obtained using an alternative approval process.

Respectfully:



Dave Leitch
Chief Administrative Officer

Prepared by: *T. Yates, Corporate Services Manager*

Attachments: Bylaw No. 461
Copy of April 8, 2022 report to the Electoral Areas Services Committee

COPY



BYLAW NO. 461

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READ A THIRD TIME ON THE DAY OF , 2022

APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON THE DAY OF , 2022

APPROVED BY THE ELECTORS ON THE DAY OF . 2022

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY OF , 2022

Chair

Corporate Officer



STAFF REPORT

DATE: April 8, 2022

FILE: 0550-04 EASC

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: PROPOSED WHARVES SERVICE FOR ELECTORAL AREA C

PURPOSE/PROBLEM

To consider further information regarding the establishment of a wharves service for Electoral Area C (Discovery Islands-Mainland Inlets).

POLICY ANALYSIS

The attached report was considered at the March 8, 2017 meeting of the Regional Board at which time the following resolution was passed:

Colborne/Abram: SRD 195/17

THAT a bylaw to establish a wharves service for Electoral Area C be prepared for consideration by the Board.

Further to the above direction, the attached feasibility study provides detailed information on the establishment of a service to fund the maintenance and repair of wharves in Electoral Area C. In summary, it is recommended that the annual funding requirements for the service be shared by the approximately 2,700 properties located within the boundaries of Electoral Area C. It is further suggested that those costs should be shared on the basis of assessed property (land and improvement) values which is the default cost-sharing formula contained in the *Local Government Act*. These costs are currently estimated in the order of \$50,000 annually which would translate into an effective residential tax rate between \$0.03 and \$0.04 per 1,000 of property assessments based on the 2022 assessment roll.


In order to establish the service, the Regional District will need to adopt a bylaw to authorize annual requisitions from the local tax base (see attached draft bylaw). The bylaw will also need to define the boundaries of the service (benefiting) area, the method of sharing annual costs between properties, and the maximum amount that may be requisitioned in any given year. Since the Regional District has entered into a contract with Transport Canada to assume responsibility for ongoing costs for the wharf infrastructure, it is legally obligated to maintain that infrastructure in good repair. If the costs of doing so are not recovered from the area directly benefiting from the service such costs will need to be recovered from all electoral areas through the electoral area administration service. This would include the cost of damages sustained by users of the facilities if the Regional District is held liable for such damages.

RECOMMENDATIONS:

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that the draft bylaw to establish a wharves service for Electoral Area C be forwarded to the Board for first 3 readings, and

THAT the Board consider seeking the approval of the electors through an alternative approval process (AAP).

Respectfully:



Dave Leitch
Chief Administrative Officer

Prepared by: *T. Yates, Corporate Services Manager*

Attachments: Draft bylaw to establish wharves service
Feasibility study – Electoral Area C Wharves Service
Copy of February 20, 2017 report to the Regional Board

COPY



BYLAW NO. ____

**A BYLAW TO ESTABLISH A WHARVES SERVICE WITHIN ELECTORAL AREA C
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WHEREAS the Regional District may, pursuant to the *Local Government Act*, operate any service that it considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Regional Board wishes to establish a wharves service for the benefit of Electoral Area C (Discovery Islands-Mainland Inlets);

AND WHEREAS the approval of the electors has been obtained in accordance with s.345 of the *Local Government Act*,

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

Service Established

1. There is hereby established a service to be known as the Electoral Area C wharves service.

Participating Area

2. The participating area for the service is Electoral Area C (Discovery Islands-Mainland Inlets).

Service Area Boundaries

3. The boundaries of the service area include all of Electoral Area C (Discovery Islands-Mainland Inlets).

Service Described

4. The service hereby established includes the construction, operation, maintenance and improvement of wharf facilities and related infrastructure.

Cost Recovery

5. The costs of the service may be recovered by one or more of the following methods:
 - (a) property value taxes imposed in accordance with s.378 of the *Local Government Act*;
 - (b) fees and charges imposed under s.397 of the *Local Government Act*;
 - (c) revenues received by way of agreement, enterprise, gift, grant or otherwise; and

(d) revenues raised by other means authorized under the *Local Government Act* or another Act.

Maximum Annual Requisition

6. The maximum amount that may be requisitioned annually for the service is \$50,000.

Citation

7. This bylaw may be cited for all purposes as Bylaw No. ____, being Electoral Area C Wharves Service Establishing Bylaw 2022.

READ A FIRST TIME ON THE DAY OF , 2022

READ A SECOND TIME ON THE DAY OF , 2022

READ A THIRD TIME ON THE DAY OF , 2022

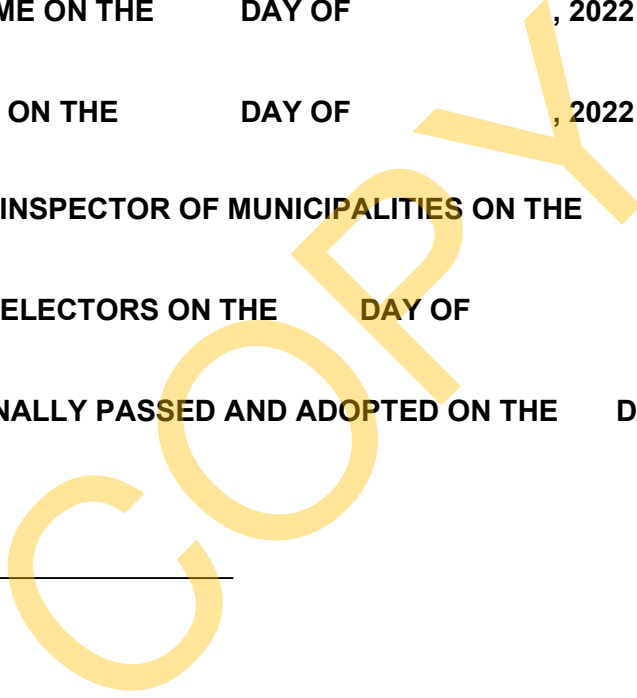
APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON THE DAY OF , 2022

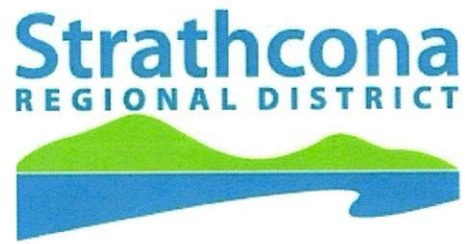
APPROVED BY THE ELECTORS ON THE DAY OF . 2022

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY OF , 2022

Chair

Corporate Officer





FEASIBILITY STUDY

ELECTORAL AREA C WHARVES SERVICE



April 2022

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(Cover photo: Surge Narrows wharf, courtesy of McElhanney Ltd)

Executive Summary

This report is prepared in response to a resolution passed by the Strathcona Regional Board on March 8, 2017 which directed as follows:

THAT a bylaw to establish a wharves service for Electoral Area C be prepared for consideration by the Board.

Based on this direction, research was conducted into the establishment of a service to cover capital and operating costs associated with the wharf facilities that were divested by Transport Canada to the Regional District in 2014. These facilities are located at Owen Bay, Port Neville and Surge Narrows within Electoral Area C. The other locally owned wharf facilities in Electoral Area C are located at Evans Bay, Granite Bay and Hoskyn Channel but are considered park assets and not within the scope of this study.

As a result of the foregoing research a number of recommendations are herewith presented for the consideration of the Regional Board including:

- THAT a service be established to ensure that capital and operating costs can be met in accordance with the Transport Canada divestiture agreement and good engineering practice;
- THAT the entirety of Electoral Area C (Discovery Islands-Mainland Inlets) be designated as the area benefiting from the wharves service;
- THAT the costs of operating the service that cannot be recovered by other means should be secured through taxation of real property within the area benefiting from the wharves service;
- THAT property taxes for the wharves service would most appropriately be levied against both land and improvement assessments within the benefiting area.

Prior to 2014 the wharf facilities in question were operated and managed by Transport Canada. When these assets were transferred to the Regional District under Transport Canada's port divestiture program, approximately \$2.9 million was provided to the Regional Board for much needed capital upgrades and maintenance. Those upgrades must be completed by 2024 and any divestiture funds remaining after that deadline must be returned to Transport Canada.

The transfer of ownership did not provide sufficient resources for long-term or ongoing operational or maintenance costs which is the reason for this initiative. Having a service in place will ensure that regular and appropriate maintenance of the wharf infrastructure can be undertaken as required. In the event the Regional District fails to establish a service, all costs related to maintenance or non-maintenance of the wharf infrastructure (including legal costs and damage awards) would need to be charged to the electoral area administration service.

For the reasons outlined above, it is recommended that the Regional Board give serious consideration to the establishment of a wharves service for Electoral Area C.

Introduction

The intent of this study is to examine the feasibility of establishing a service to cover the costs of operating and maintaining wharf infrastructure for Electoral Area C. The wharves in question represent important and vital infrastructure for local residents, businesses and recreational users throughout the area. Historically, the maintenance and upgrading of the wharves in question was the responsibility of the Government of Canada. However, in 2014 the decision was made by Canada to divest itself of these facilities and turn them over to local authorities that had an interest in ensuring their continued operation.

At that time the Strathcona Regional District made a decision to accept responsibility for the wharves and an agreement was entered into that provided \$2.9 million in funding to ensure that major upgrades and repairs to these facilities would be done. Under the terms of the agreement, the Regional District was given until 2024 to effect the necessary upgrades following which any funds remaining would have to be returned to Transport Canada.

There is still much work required to be done at these facilities including maintenance, repair or replacement of the following within the next 2-10 years:

Wharves

- approaches
- topsides
- decking
- stringers
- pile caps
- piles
- fender piles

Floats

- gangways
- floats
- mooring dolphins
- seaplane floats

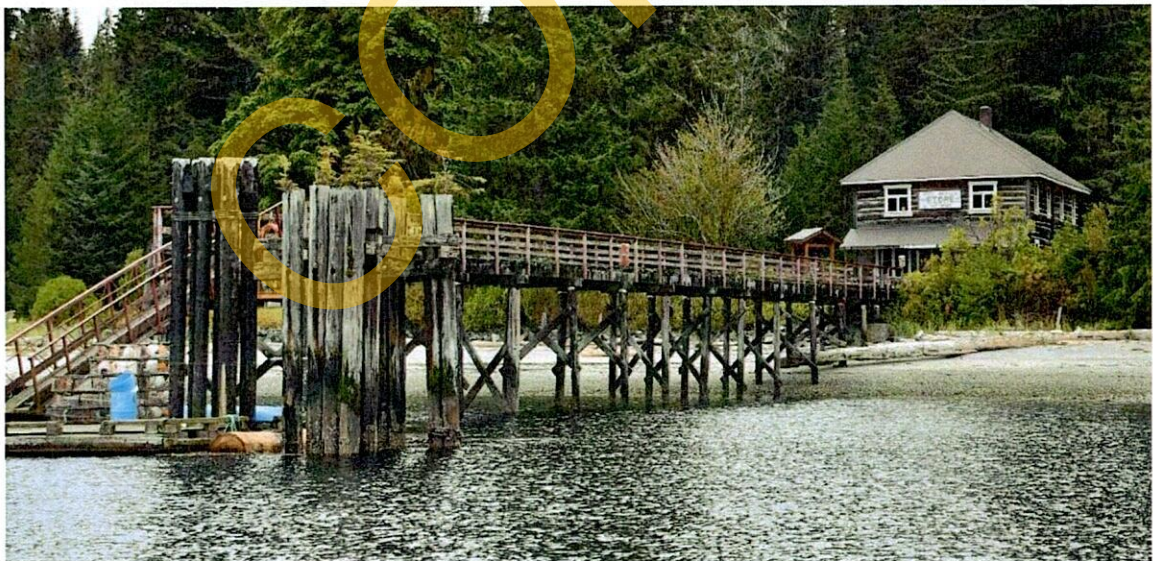


Figure 1 – Port Neville wharf
(McElhanney Ltd., 2021)

The wharves in question are predominantly wood construction and, in order to withstand the harsh marine environment, the various components must be inspected, maintained and replaced as necessary to ensure their long-term viability and the safety of the boating public.

Background

There are a number of public wharf facilities within the boundaries of Electoral Area C. Some of these wharves have been divested to the Regional District from Transport Canada on the understanding that they will be upgraded and maintained to proper standards. These include wharves located at Port Neville, Owen Bay and Surge Narrows. Other wharves owned by the Regional District in Electoral Area C are currently operated in connection with community parks and are not included in this study.



Figure 2 – Typical configuration of wharf piles and cross-bracing.

(McElhanney Engineering Ltd. 2021)

The 3 wharves that are the subject of this study are believed to have sufficient funds set aside for capital improvements that will meet applicable engineering standards. However, since they are not associated with any Regional District service there is no reliable source of funding to cover operating and maintenance costs over the long term. Therefore, the purpose of this study is to identify the amount of revenue that would be required in a typical year and in an extraordinary year to ensure that proper maintenance of this infrastructure can be done. Based on estimates from consulting engineers that were retained to investigate such costs, it is estimated that between \$41,500 and \$50,000 would be required in an average year to perform such maintenance. It has also been estimated that in years when storm damage has occurred that the cost of maintenance could be higher. These costs would need to be met by the Regional District using whatever funding is available through local channels such as property taxation.



Figure 3 – Owen Bay wharf
(McElhanney Engineering Ltd. 2019)

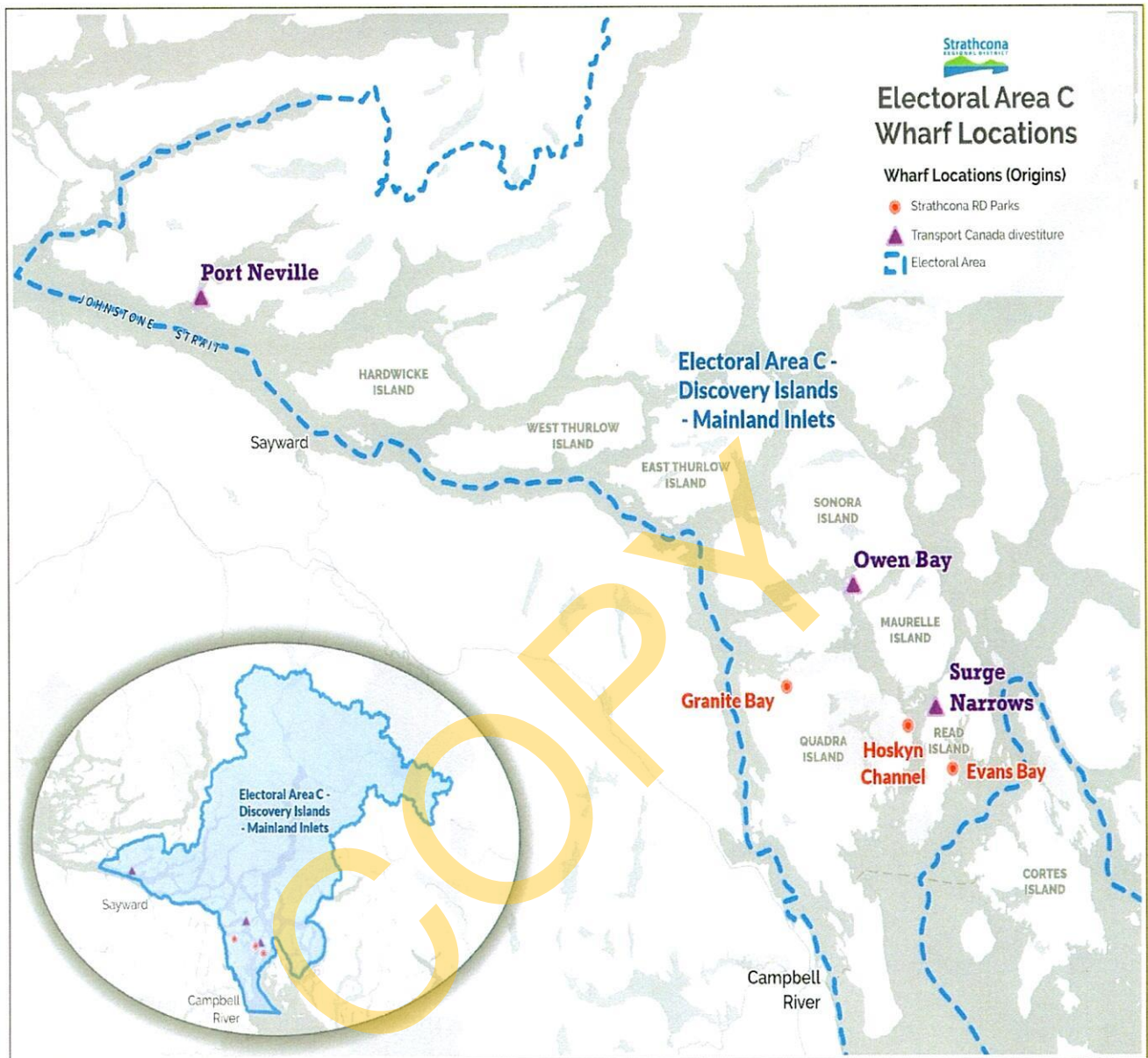


Figure 4 – Location map of SRD wharves in Electoral Area C

Capital and Operating Costs

As a result of the upgrades and improvements that have been or will be funded through the Transport Canada divestiture agreement, there is little in the way of capital expenditure that must be funded through local contributions. However, to ensure that the area receives full benefit of the work already undertaken, it is necessary to have a program that ensures regular maintenance and repairs are done to this important infrastructure.

A breakdown of the anticipated costs associated with the proposed wharves service is shown in the following table. The maintenance tasks shown are based on the recommendations from McElhanney Engineering Ltd. which conducted condition assessment studies of the wharf facilities in late 2021 and early 2022.

Table 1: Annual Maintenance Cost Estimates for Wharves Infrastructure

Item	Annual Cost Estimate*	Five-Year Cost Estimate
Wharf Inspection and Reporting	\$2,500	\$15,000
Routine Maintenance & Repairs	\$15,000	\$100,000
Engineering Costs	\$5,000	\$40,000
Insurance	\$17,500	\$87,500
Administration and Overhead	\$1,500	\$7,500
Total	\$41,500	\$250,000

*It should be noted that some costs will vary on an annual basis and are therefore projected using a five-year cycle.

Based on the preceding information it is estimated that annual operational costs will vary between \$41,500 and \$ 50,000 in a given year, and possibly higher in years when additional inspection, maintenance or repair tasks must be performed. It is also noted that insurance costs constitute a major portion of the annual cost of wharf operations due to the specialty nature of such insurance and the high premiums associated with marine liability policies.

For the purpose of investigating the cost implications to homeowners, businesses and others in the service area the higher number will be used throughout this report.

Service Area Boundaries

With respect to the proposed Electoral Area C wharves service, it was necessary to determine the geographic area which would receive a benefit from having existing and future infrastructure in place. Accordingly, four distinct benefiting area scenarios were considered for this study:

Option A - properties immediately adjacent to the wharf facilities.

Option B – all properties within Electoral Area C.

Option C – all properties within Electoral Area C (except those on the mainland of BC).

Option D - all properties within the Strathcona Regional District.

Not unlike roads, schools, libraries and other public infrastructure, the connection between infrastructure and the beneficiaries of that infrastructure may not be immediately apparent. Different ways in which the benefits of infrastructure may be determined include the desirability of living in an area (ie. market value of real estate) or the popularity of an area with tourists. The concept may be subtle and is distinct from the concept of 'users' of the infrastructure.

Additional information on the different service areas that were considered and the issues relevant to each is shown in the table below.

Table 2: Comparison of Possible Service Area Alternatives for Electoral Area C Wharves Service

Benefiting Area Scenario	Comments
A. Properties adjacent to wharf facilities	A large number of properties receiving benefit from the wharves service would not pay towards infrastructure upkeep or maintenance.
B. Properties located within the boundaries of Electoral Area C.	-Reflects the unique marine culture and heritage of Electoral Area C. -Acknowledges the historical significance of wharf facilities in the area.
C. Properties located within the boundaries of Electoral Area C (except properties on BC Mainland).	Arbitrarily excludes properties that share Electoral Area C's marine heritage.
D. All properties within the Strathcona Regional District	Properties located outside of Electoral Area C would receive little or no direct benefit from the wharves service.

After careful consideration of the pros and cons associated with each of these alternatives and, respecting the principle that those properties receiving benefit from a Regional District service should contribute to its funding, it was concluded that a benefiting area boundary that included all properties within Electoral Area C would be the most appropriate.

Potential Revenue Sources

Having considered the issue of an appropriate boundary for the wharves service and the annual budgetary requirements to maintain the related infrastructure, it was necessary to consider possible sources of revenue that could be used to ensure annual maintenance and repair needs would be met. The following list includes the various sources of funding that are typically relied upon for covering the costs of local infrastructure operations and maintenance.

User Fees - As with all local government services, the incorporation of user fees is always attractive as it can help to minimize reliance on property taxes. Currently the only revenues being generated from operation of these wharf facilities is a license fee of approximately \$250 annually for the Post Office at the Surge Narrows location. It is not known how long this source of revenue will be available in the future. In the event other fees are implemented in relation to the use of wharf infrastructure, these would be available to offset the amount of taxes required from the service area.

Grants - Revenue received by way of grants is another possible source of funding, however such funding is usually reserved for capital works rather than ongoing maintenance costs. Since the proposed budget for the service is based on annual maintenance and upkeep (rather than major capital improvements) it is suggested that reliance on grant funding to cover these costs would probably lead to the wharves being maintained at a lower standard that does not meet proper engineering guidelines or public expectations.

Donations – Although the Regional District is able to accept voluntary donations to cover operating costs for any service (and to issue tax receipts for such donations), the Regional District is not aware of any donations being received in the past to support public wharves infrastructure. Should such contributions be received in the future they could be used to offset reliance on other revenue sources.

Property Taxation - The use of property taxation in such circumstances is often the only reliable method for ensuring that sufficient financial resources are available when needed to attend to scheduled and unscheduled maintenance requirements. As with all Regional District services, the use of property taxes to operate a service must be limited to the area deemed to benefit from the existence of the service.

Based on the foregoing, it is suggested that accessing the local property tax base (while not the only source of funding) is probably the most reliable method for ensuring that sufficient funding is available to meet the annual requirements associated with wharf operations and maintenance.

Property Taxation Options

If the annual costs of maintaining wharf infrastructure are to be shared collectively within the service area through a system of property taxation, it will be necessary to consider the various types of taxation that are available and to select the method deemed most appropriate. Following are the most common types of property taxes that are used, depending on the nature of the service and the relationship of the service to the properties benefiting from the service:

- taxation of land only (based on the value of the land)
- taxation of improvements only (based on the value of the improvements)
- taxation of land and improvements (based on the value of the land and improvements)
- taxation of each property at a uniform rate (parcel tax)
- taxation of each property based on road frontage or parcel area (frontage tax or area tax)

While no perfect taxation system exists, it is generally accepted that the most appropriate system would be one that has the strongest relationship between the benefit received by properties and the amount of tax paid by those properties. In the present case, it is believed that the benefit received is strongly correlated to the value of assets which is the default system for Regional District requisitions. This philosophy would tend to discourage the use of parcel taxes, frontage taxes or area taxes as preferred methods for sharing costs since these systems are typically related to utility infrastructure such as water distribution or community sewer systems.

The table below illustrates the relative costs projected for the wharves service using a variety of property taxation methods. As may be seen, the sharing of costs based on land and improvement assessments not only yields a lower tax rate in comparison to other methods but also recognizes the broad constituency that would benefit from a proper maintenance program. For the reasons outlined above, it is suggested that the fairest and most appropriate method of sharing annual service costs would be through a tax on land and improvements with the amount of taxation for each property based on the value of that property.

Table 3: Analysis of Residential Rates Using Various Property Taxation Formulas

Taxation Method	Occurrences	Assessment Values (2022)	Annual Residential Rate
Land only	2,546	\$723,871,442	\$0.0627 per 1,000 of taxable land assessments
Improvements only	1,909	\$559,291,256	\$0.0808 per 1,000 of taxable improvement assessments
Land and improvements	2,907	\$1,283,162,698	\$0.0353 per 1,000 of taxable land and improvement assessments
Uniform parcel tax	2,663	n/a	\$18.78 per separate parcel of land
Frontage or area tax	Data not available		

Tax Rate Calculations

Using land and improvement assessments as the basis for allocating annual costs it is possible to estimate the tax rates that would likely result if the maximum annual requisition was levied within the proposed service boundary. The calculations in the table below are based on 2022 property valuations supplied by the Assessment Authority of BC and, while property values may change over time, the calculations are believed to be accurate enough for purposes of this study.

Table 4: Calculation of Annual Tax Rates for Electoral Area C Wharves Service

Assessment Class	Occurrences	2022 Net Taxable Values	Conversion Factor	Converted Assessments	% Share	Requisition Share	Tax Rate* (per \$1,000)
1. Residential	2,310	\$1,191,156,824	0.100	\$119,115,682	84.1	\$42,044	0.0353
2. Utility	26	1,752,600	0.350	613,410	0.4	217	0.1235
3. Supportive Housing	-	-	0.100	-	-	-	-
4. Major Industry	-	-	0.340	-	-	-	-
5. Light Industry	143	6,216,600	0.340	2,113,644	1.4	746	0.1200
6. Business/Other	241	70,632,600	0.245	17,304,987	12.2	6,109	0.0865
7. Managed Forest Land	51	5,843,600	0.300	1,753,080	1.2	619	0.1059
8. Rec./Non-Profit	64	6,707,700	0.100	670,770	0.4	237	0.0353
9. Farm	72	852,774	0.100	85,277	0.1	30	0.0353
Total	2,907	\$1,283,162,698		\$141,656,850	100.0	\$50,000	

*Note: the various tax rates shown for different property classes is a result of the Province of BC rural property taxation system which uses converted (weighted) assessments when calculating tax rates.

Whether or not the maximum requisition will be required in any given year would be determined when that specific year's budget is being considered. Generally speaking, property taxation would only be relied upon when other sources of revenue are not sufficient to cover the anticipated operational and maintenance costs for that year.

Annual Property Owner Costs

On the assumption that the annual costs of maintaining the wharves infrastructure are to be supported by all properties located within Electoral Area C, it is possible to estimate the annual costs to be borne by the owners of homes, businesses and other types of property within the area. The table below provides an estimate of those costs for each type of property found within the service area based on the value of that property. Property owners can easily determine the estimated annual costs for their specific property by using the rates shown in the table below or by multiplying the applicable tax rate shown in Table 4 against their assessed values as specified in their most recent property assessment notice.

Table 5: Annual Wharves Service Costs* by Property Class and Valuation

Taxable Value	Class 1 (Residential)	Class 2 (Utilities)	Class 5 (Light Industry)	Class 6 (Business & Other)	Class 7 (Managed Forest)	Class 8 (Rec/Non-Profit)	Class 9 (Farm)
50,000	\$1.76	\$6.15	\$5.97	\$4.31	\$5.27	\$1.76	\$1.76
100,000	3.52	12.31	11.95	8.61	10.55	3.52	3.52
200,000	7.04	24.62	23.90	17.22	21.10	7.04	7.04
300,000	10.56	36.93	35.85	25.83	31.65	10.56	10.56
400,000	14.08	49.24	47.80	34.44	42.20	14.08	14.08
500,000	17.60	61.55	59.75	43.05	52.75	17.60	17.60
600,000	21.12	73.86	71.70	51.66	63.30	21.12	21.12
700,000	24.64	86.17	83.65	60.27	73.85	24.64	24.64
800,000	28.16	98.48	95.60	68.88	84.40	28.16	28.16
900,000	31.68	110.79	107.55	77.49	94.95	31.68	31.68
1,000,000	35.20	123.10	119.50	86.10	105.50	35.20	35.20

*It should be noted that some of the costs of maintaining these wharf facilities is currently being covered out of the Transport Canada divestiture funding which will not be available over the long term.

Each owner of property will have their individual perspective on whether the value of the service being provided by the wharves infrastructure warrants the cost to their property of maintaining that infrastructure. For this reason, the decision to establish a wharves service is subject to approval of the electors by assent voting or alternative approval process.

The options available for seeking the approval of the electors are described in more detail in the following sections of this report.

Approval Process

In the event it is decided to proceed with establishment of a wharves service, there are several steps that must be undertaken by the Regional Board including the presentation of the initiative to the electors for approval:

Step 1 - A service establishing bylaw must be introduced and given first 3 readings by the Regional Board. The bylaw must set out the nature of the service to be provided, the geographic area that would benefit from the service, the method of taxation to be employed for recovering annual costs, and the maximum amount that can be requisitioned each year from property owners for the service.

Step 2 - The Regional Board must decide whether it will seek approval of the electors for the establishing bylaw through an assent voting process or alternative approval process (AAP).

Step 3 - The service establishing bylaw must be submitted to the Inspector of Municipalities for approval.

Step 4 - Once approved by the Inspector of Municipalities the service establishing bylaw may then be submitted for approval by the electors. If assent voting is to be used, the approval threshold is a simple majority of the votes cast by qualified electors. If using an alternative approval process, the threshold for approval is less than 10% of the electors objecting in writing to passage of the bylaw. An assent voting process is relatively expensive (especially when used for a small geographic area) while an AAP is much more cost effective while still allowing elector opposition to an initiative to be accurately gauged.

Step 5 – If elector approval is received the Regional District may proceed to adopt the service establishing bylaw.

Given the relatively high cost associated with the assent voting option, it is recommended that serious consideration be given to using an AAP for obtaining elector assent. Should the bylaw fail to receive elector approval using that method, the ability to use an assent voting process would still be an option and, depending on the number of electors who objected via AAP, there may be a rationale for continuing with that process.

A proposed schedule with milestones for establishing the proposed Electoral Area C wharves service is outlined below.

Implementation Schedule

The following table provides more detailed information on the various steps that would need to be undertaken to implement a wharves service assuming that the initiative is to be established using an alternative approval process (AAP). The dates shown are approximate only and are the earliest dates for which the corresponding action could be taken.

Table 6: Schedule of Milestones for Creation of Electoral Area C Wharves Service

Schedule	Action
April 13, 2022	Electoral Areas Services Committee reviews report and recommends process for establishing Electoral Area C wharves service be initiated.
April 27, 2022	Regional Board considers feasibility study and authorizes preparation of establishment bylaw for Electoral Area C wharves service.
May 11, 2022	Regional Board gives first 3 readings to Bylaw No. █, being Electoral Area C Wharves Service Establishing Bylaw 2022, and authorizes approval of the electors to be obtained by alternative approval process (AAP).
May 16, 2022	Bylaw No. █ submitted to Inspector of Municipalities for approval under s.342 of <i>Local Government Act</i> .
July 6, 2022	Inspector of Municipalities approval received for Bylaw No. █.
July 13, 2022	Regional Board establishes elector response form, elector response deadline and determines total number of eligible electors for AAP.
July 20, 2022	First publication of AAP notice for Bylaw No. █.
July 27, 2022	Second publication of AAP notice for Bylaw No. █.
September 9, 2022	Deadline for filing AAP responses with Regional District.
September 21, 2022	If elector approval received, Regional Board adopts Bylaw No. █.
October 31, 2022	Deadline* to provide copy of Bylaw No. ___ to BC Assessment Authority for tax coding purposes.
March 22, 2023	Regional Board adopts 2023 operating budget for Electoral Area C wharves service.
July 4, 2023	Deadline for payment of property taxes for wharves service.

*Not applicable if service area includes all of Electoral Area C.