



## COUNCIL REPORT

To: Mayor and Council

Date: March 26, 2024

From: Ron Mattiussi, Interim CAO

Subject: **Sufficiency Report for the Fire Hall #32 Replacement Project - Alternative Approval Process**

Report Prepared by: Corinne Boback, Legislative Services Manager and Corporate Officer & Trevor Seibel, Deputy CAO and Deputy Corporate Officer

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### PURPOSE

To receive the Sufficiency Report for the Fire Hall #32 Replacement Project – Alternative Approval Process and to consider adoption of Loan Authorization Bylaw No. 0313, 2023.

**RECOMMENDATION** to Consider and Resolve:

**THAT** the report titled “Sufficiency Report for the Fire #32 Replacement Project – Alternative Approval Process”, dated March 26, 2024 from the Legislative Services Manager/Corporate Officer and Deputy CAO/Deputy Corporate Officer, be received for information;

**AND THAT** City of West Kelowna Loan Authorization Bylaw No. 0313, 2023 be adopted.

### STRATEGIC AREA(S) OF FOCUS

**Invest in Infrastructure** – We will invest in building, improving and maintaining infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.

**Foster Safety and Well-Being** – We will pursue through direct action, advocacy, and collaboration with local and regional service providers, investments in community health, needs-based housing, emergency preparedness, policing, and other services that foster safety and well-being in West Kelowna.

## BACKGROUND

On November 28, 2023, staff introduced Loan Authorization Bylaw No. 0313, 2023 for the borrowing of up to eight million (\$8,000,000) for the Fire Hall #32 Replacement Project and the Alternative Approval Process (AAP) to Council for consideration.

On February 13, 2024, Council approved the Alternative Approval Process (AAP) elector response form, and set the deadline date of 4:30 p.m. on Thursday, March 21, 2024. The following table shows the confirmed timeline and tactics for the AAP process.

DATE	TACTIC
Feb 13	Staff provide Council with an information report to outline the AAP dates (Feb 16 – Mar 21) at the Regular Council Meeting.
Feb 14	Council Highlights issued to public to reiterate the AAP dates (Feb 20 – Mar 21)
Feb 16	AAP Information Live on City webpage ( <a href="http://www.westkelownacity.ca/aap">www.westkelownacity.ca/aap</a> )
Feb 16	Statutory Newspaper Ad printed: WestK News Newspaper and posted to the City's Notice Board
Feb 16	Statutory Newspaper Ad posted to Public Notices webpage ( <a href="http://www.westkelownacity.ca/publicnotices">www.westkelownacity.ca/publicnotices</a> )
Feb 20	AAP Begins, Elector Response Form available on website and printed copies available at City Hall, 2760 Cameron Road, West Kelowna. (Note: the City published the AAP information online and made the Elector Response Form available on the City's website and Notice Board from February 16 through March 21)
Feb 20	Public Service Announcement (PSA) issued regarding the AAP to the public and media
Feb 20	Social Media Posts issued regarding the AAP on City's social feeds
Mar 19	Social Media Posts issued to remind the public of the close of the AAP on Mar 21
Mar 21	AAP Concludes at 4:30 p.m.
Mar 26	Regular Council Meeting held to provide Council with the Report for consideration of proceeding with next steps.

Approval of the electors is obtained if the number of elector responses received by the deadline date is less than 10% of the number of eligible electors (28,098 as per CivicInfo) within the City of West Kelowna, or fewer than 2,810 responses.

As of the deadline date, there were 68 valid elector responses received (0.24% of eligible electors) and 8 invalid elector responses. The Certificate of Sufficiency is attached to this report.

Elector responses were deemed invalid due to incomplete responses (name, address and/or signature), duplicate responses, and elector ineligibility (e.g., address not in West Kelowna or signed on behalf of a corporation.)

Notice of the AAP was posted on the City’s public notice board, advertised in the WestK News and posted to the City’s website Friday, February 16, 2024, adhering to the City of West Kelowna Public Notice Bylaw No. 0303, Sections 86 and 94.2 of the *Community Charter* as well as the Ministry of Municipal Affairs Alternative Approval Process guidelines.

Additional communications were also provided consisting of AAP Fire Hall #32 Replacement Project information page on the website, information sharing at two Budget Open Houses, social media and PSA’s.

As an insufficient number of valid elector responses were received by the deadline, the conditions under sections 86 (AAP) and 180 (Elector approval required for some loan authorization bylaws) of the *Community Charter* have been met.

Council may now consider proceeding with the adoption of the City of West Kelowna Loan Authorization Bylaw No. 0313, 2023.

## **NEXT STEPS**

Should Council proceed with adoption of the Loan Authorization Bylaw, there is a month-long period when an individual may apply to the Supreme Court to set aside the bylaw if they believe the legislative requirements were not met (sometimes referred to as the 'quashing period'). Bylaws are in force and effect the date of adoption (March 26 if Council adopts the bylaw) so this “quashing period” runs from March 26 to April 25. After April 25, the City can apply for the Certificate of Approval from the Inspector of Municipalities. Once the Certificate of Approval is obtained, the City can access the funds for the project when future borrowing is required.

## **FINANCIAL IMPLICATIONS**

Borrowing from the Municipal Finance Authority for up to eight million dollars (\$8,000,000) for the Fire Hall #32 Replacement Project.

## **COUNCIL REPORT / RESOLUTION HISTORY**

<b>Date</b>	<b>Report Topic / Resolution</b>	<b>Resolution No.</b>
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Nov. 28/23	<p><b>THAT</b> Council direct Administration to complete an Alternative Approval Process (AAP), to gain elector assent, in 2024, for the Firehall 32 Project;</p> <p><b>AND THAT</b> “City of West Kelowna Loan Authorization Bylaw No. 0313, 2023”, a bylaw to authorize the borrowing of up to \$8,000,000 towards the construction of a new Fire Hall 32 building, be read a first, second and third time, by title only, on this 28<sup>th</sup> of November 2023.</p>	C387/23
Jan. 23/24	<p><b>THAT</b> the elector response form, as attached to the report titled “Alternative Approval Process Form – Fire Hall 32 Replacement Project” dated January 23, 2024 from the Legislative Services Manager/Corporate Officer, be approved;</p> <p><b>AND THAT</b> Friday, March 15, 2024 at 4:00pm be set as the deadline for receipt of the elector response forms.</p>	C048/24
Feb. 13/24	<p><b>THAT</b> the updated elector response form, “Alternative Approval Process Form – Fire Hall 32 Replacement Project” from the Legislative Services Manager/Corporate Officer, be approved;</p> <p><b>AND THAT</b> Thursday, March 21, 2024 at 4:30 pm be set as the deadline for receipt of the elector response forms.</p>	C065/24

**REVIEWED BY**

Trevor Seibel, Deputy CAO

Sandy Webster, Director of Corporate Initiatives

**APPROVED FOR THE AGENDA BY**

Ron Mattiussi, Interim CAO

Powerpoint: Yes  No

Attachments:

1. Certificate of Sufficiency
2. Loan Authorization Bylaw No. 0313