



Board Report

Date of Report: March 6, 2024
Date & Type of Meeting: March 21, 2024 Open Board Meeting
Author: Tom Dool, Research Analyst
Subject: West Creston Fire Loan Authorization and Requisition Increase
File: 3200/10
Electoral Area/Municipality: Electoral Area C

SECTION 1: EXECUTIVE SUMMARY

This report provides the Board with considerations regarding:

1. First, second, and third readings of West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024; and
2. First, second, and third readings of West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024; and
3. Seeking elector approval of Bylaws 2912 and 2916 through the elector assent process.

This report recommends that:

1. That the Board appoint Tom Dool as Chief Elections Officer and Angela Lund as Deputy Chief Election Officer for the West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 and West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 assent vote; and that
2. That the West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 be read a FIRST, SECOND, and THIRD time by content; and that
3. That the West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 be read a FIRST, SECOND, and THIRD time by content; and that
4. The Board approve the following question in relation to the Assent Voting:

Are you in favour of the Regional District adopting both of the following bylaws? Yes No

1. *West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 which will permit the Regional District to increase the maximum annual allowable requisition for West Creston Fire Service S291 from \$146,250 or \$1.57/\$1,000 of net taxable value of land and improvement within the service area, whichever is greater, to \$393,831 or \$2.5519/\$1000 of net taxable value of land and improvements within the service area, whichever is greater; and*

2. *West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2816, 2024, which will permit the Regional District to borrow an amount not to exceed \$2,151,900 for the purpose of completing the construction of the West Creston Fire Hall and replacing the frontline West Creston Water Tender and Fire Engine.*

SECTION 2: BACKGROUND/ANALYSIS

This report covers the service establishment amendment and loan authorization bylaw approval process in general and with specific details of elector approval through the assent vote process. Fire department procurement or capital projects are not covered in this report .

At the June 23, 2023 General Open Board Meeting the Board resolved (399/23)

That the Board direct staff to prepare a loan authorization bylaw in the amount of \$2,129,000 to be repaid over 20 years for the purpose of completing the construction of the West Creston Fire Hall and replacing the frontline West Creston Water Tender and Fire Engine from Fire Response West Creston Service S291 SUBJECT TO staff conducting a public consultation process; AND FURTHER, that voter approval, for the bylaw, be undertaken by means of assent voting and to approve amendments to the service establishment bylaw.

At the July 20, 2023 General Open Board Meeting the Board resolved (456/23):

That the Board direct staff to prepare an amendment bylaw for West Creston Fire Protection Area Service Establishment Bylaw No. 2408, 2014 to increase the maximum amount of money that may be requisitioned annually from \$146,250 or \$1.57/\$1,000 of net taxable value of land and improvement within the service area, whichever is greater, to \$393,831 or \$2.5519/\$1,000 of net taxable value of land and improvements within the service area, whichever is greater.

West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 is included as Attachment A in this report.

West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 is included as Attachment B in this Report.

Approval and adoption of the service establishment amending bylaw and the loan authorization bylaw to increase the maximum annual allowable requisition are not mutually exclusive processes. If it is the Board's intention to proceed with borrowing the maximum annual allowable requisition for the service must be increased to ensure the service can repay the loan.

The Board may consider seeking approval of the electors for both bylaws during the same assent vote. The Board may choose to give 3 readings to the bylaws. The bylaws will then be submitted to the Local Government Inspector (LGI) for consideration. Upon approval of the LGI, the bylaws will be provided to the residents of the service area for consideration through an assent vote process. The question placed on the ballot will require approval of both initiatives in order to succeed. With the approval of the residents the Board may consider adoption of the Bylaw.

This report proposes that mail order ballots could be available as early as June 27, advanced voting would take place July 17, and general voting would take place July 27, 2024.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No **Financial Plan Amendment:** Yes No
Debt Bylaw Required: Yes No **Public/Gov't Approvals Required:** Yes No

The current maximum annual allowable requisition for West Creston Fire Service S291 is \$146,250 or an amount equivalent to \$1.57/\$1,000 of the actual assessed value of land and improvements within the service area, whichever is greater. The current actual assessed value for the service area is \$154,326,115. At the maximum allowed rate the service could requisition \$242,292.

Using the 5 year financial plan for the service plus the cost of proposed debt servicing the annual requisition is anticipated to be \$393,831 in 2028. A five year period is considered adequate for the review of requisition amounts. The new proposed maximum allowable requisition is \$393,831 or an amount equivalent to \$2.5519/\$1000 of the actual assessed value of land and improvements. It should be noted that this equates to a proposed residential rate of \$2.3176.

West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 proposes the authorization of a \$2,151,900 loan from the Municipal Finance Authority to be paid back over the course of 20 years.

The initial proposed borrowing of \$2,129,000 was increased by \$22,900 to address what were deemed potential shortfalls in the initial proposed budget.

The cost of the assent vote required to seek elector approval of the two measures will be the responsibility of West Creston Fire Service S291. The projected budget for the assent vote is described below in Figure 1. West Creston Fire Assent Vote Budget.

Figure 1. West Creston Assent Vote Budget

Expenses	Amount
Election Officials	-\$ 5,258.00
Hall Rental	-\$ 300.00
Training	-\$ 120.00
Admin	-\$ 300.00
Cell Phone	-\$ 20.00
Mileage	-\$ 100.00
Advertsing	-\$ 2,400.00
Ballots	-\$ 43.72
Revenue	Amount
Transfer From S291	\$ 8,541.72

The proposed Budget assumes two 12 hours polling days at a single location operated by 4 election workers with up to 584 distributed ballots. This also includes the cost associated with the public notices required by the assent vote process.

This budget does not includes funds for public engagement on the matter of long term borrowing, the procurement of new apparatus, the construction of the hall, or the proposed increase to the maximum annual allowable requisition.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The Board is required to seek the approval of the Local Government Inspector and the electors prior to the adoption of the proposed service amendment bylaw (LGA, s. 342(1)). In this instance that approval must be sought through an assent vote (LGA, s. 345(1)).

Long-term borrowing undertaken by local governments for capital items and projects such as fire apparatus or the construction of civic buildings that provide an asset or benefit to the community for more than one fiscal year must obtain *approval* from both the Inspector of Municipalities and the electorate (LGA, s. 180, 406).

The legislation provides local governments with the authority to combine two or more related matters on a ballot and seek elector approval as if the matters were one (LGA, s. 351). Combining related matters on the same ballot during an assent voting event enables electors to consider the full financial implications of a proposed initiative.

Because the two proposed initiatives must seek elector approval concurrently the Board may want to consider how the question being asked of the public in the assent process is structured. Staff propose the board seek elector approval with the following question:

Are you in favour of the Regional District adopting both of the following bylaws? Yes No

1. *West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 which will permit the Regional District to increase the maximum annual allowable requisition for West Creston Fire Service S291 from \$146,250 or \$1.57/\$1,000 of net taxable value of land and improvement within the service area, whichever is greater, to \$393,831 or \$2.5519/\$1000 of net taxable value of land and improvements within the service area, whichever is greater; and*
2. *West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2816, 2024, which will permit the Regional District to borrow an amount not to exceed \$2,151,900 for the purpose of completing the construction of the West Creston Fire Hall and replacing the frontline West Creston Water Tender and Fire Engine.*

3.3 Environmental Considerations

None at this time.

3.4 Social Considerations:

None at this time.

3.5 Economic Considerations:

None at the times.

3.6 Communication Considerations:

The communication plan discussed in this report is specific to the approval of the bylaws in question and elector approval sought through an assent vote. Communications and community engagement regarding the

completion of the West Creston Fire Hall and the procurement new apparatus are beyond the scope of this report.

By engaging in the process of elector approval by assent vote the Board commits itself to provision related public notices required by statute. Table 2. Schedule of Public Notice provides a list of required notices and dates leading up to the elector assent process.

Table 2. Schedule of Public Notice

Notice	Requirement	Date	Reference
Notice of Voter Registration	Inform voters to register in advance for voting	April 17 & 24	LGA 50 & 71 (2)
Notice of Closure of Advanced Elector Registration	Inform voters of last day to advance register for voting	May 15 & 22	LGA 50 & 71(5)
Notice of Inspection of Electors List	Inform voters that the electors list is now publicly available	May 15 & 22	LGA 50 & 77(6)
Notice of Period of Objection to Elector Registration	Inform voters that objections to the electors list are now be received	May 15 & 22	LGA 50 & 79(2)
Notice of Application for Scrutineers	Applications to volunteer to be a scrutineer	May 22 & 29	
Notice of Voting Opportunities	Inform voters of where they may vote and when	July 4 & 11	LGA176(1), 107(5)

The Regional District will ensure the required notices are posted at the Creston & Nelson Offices, in the Creston Valley Advance, and on the Regional District Website.

3.7 Staffing/Departmental Workplan Considerations:

None at this time.

3.8 Board Strategic Plan/Priorities Considerations:

Seeking elector approval for the proposed loan authorization and increase to the maximum annual allowable requisition through the voter assent process further confirms the Boards commitment to excellence in governance and service delivery.

SECTION 4: OPTIONS & PROS / CONS

Option 1.

That the Board proceed with the approval process for the proposed loan authorization and service establishment amendment bylaws and resolve that:

1. That the Board appoint Tom Dool as Chief Elections Officer and Angela Lund as Deputy Chief Election Officer for the West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 and West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 assent vote; and that
2. That the West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 be read a FIRST, SECOND, and THIRD time by content; and that

3. That the West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 be read a FIRST, SECOND, and THIRD time by content; and that

4. The Board approve the following question in relation to the Assent Voting:

Are you in favour of the Regional District adopting both of the following bylaws? Yes No

1. *West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 which will permit the Regional District to increase the maximum annual allowable requisition for West Creston Fire Service S291 from \$146,250 or \$1.57/\$1,000 of net taxable value of land and improvement within the service area, whichever is greater, to \$393,831 or \$2.5519/\$1000 of net taxable value of land and improvements within the service area, whichever is greater; and*
2. *West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2816, 2024, which will permit the Regional District to borrow an amount not to exceed \$2,151,900 for the purpose of completing the construction of the West Creston Fire Hall and replacing the frontline West Creston Water Tender and Fire Engine.*

Advantages

- Provides residents of the service area the opportunity to decide the future of the service
- Provides an assent vote opportunity at the earliest possible date
- Provides an opportunity to make application to the spring Municipal Finance loan intake
- Enables construction and procurement in 2024

Disadvantages

- Very tight timeline that is dependent on a short ministry review process
- Risk of a later voter assent due to delayed ministry approval

Option 2. That staff be directed to defer the matter until....

Advantages

- Provides the opportunity for further consideration and public engagement

Disadvantages

- Delays construction and procurement until 2025.

SECTION 5: RECOMMENDATIONS

1. That the Board appoint Tom Dool as Chief Elections Officer and Angela Lund as Deputy Chief Election Officer for the West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 and West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 assent vote; and that
2. That the West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 be read a FIRST, SECOND, and THIRD time by content; and that

3. That the West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024 be read a FIRST, SECOND, and THIRD time by content; and that
4. The Board approve the following question in relation to the Assent Voting:

Are you in favour of the Regional District adopting both of the following bylaws? Yes No

1. *West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024 which will permit the Regional District to increase the maximum annual allowable requisition for West Creston Fire Service S291 from \$146,250 or \$1.57/\$1,000 of net taxable value of land and improvement within the service area, whichever is greater, to \$393,831 or \$2.5519/\$1000 of net taxable value of land and improvements within the service area, whichever is greater; and*
2. *West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2816, 2024, which will permit the Regional District to borrow an amount not to exceed \$2,151,900 for the purpose of completing the construction of the West Creston Fire Hall and replacing the frontline West Creston Water Tender and Fire Engine.*

Respectfully submitted,
Tom Dool

CONCURRENCE

Chief Administrative Officer – Stuart Horn
Chief Financial Officer – Yev Malloff
Manager of Corporate Administration – Mike Morrison
Regional Fire Chief – David Zayonce

ATTACHMENTS:

Attachment A – West Creston Fire Protection Area Service Establishment Bylaw Amendment Bylaw No. 2912, 2024

Attachment B – West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2816, 2024

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2912

A Bylaw to amend West Creston Fire Protection Area Service Establishment Bylaw No. 2408, 2014 by increasing the maximum annual requisition limit.

WHEREAS the Board of the Regional District of Central Kootenay has established a service by adopting West Creston Fire Protection Area Service Establishment Bylaw No. 2408, 2014;

AND WHEREAS the Board of the Regional District of Central Kootenay deems it expedient to amend Bylaw No. 2408 to increase the maximum annual requisition for the service;

AND WHEREAS pursuant to the Local Government Act, participating area approval has been given by elector assent.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

1 Section 5 is deleted in its entirety and the following substituted therefore:

The maximum amount of money that may be requisitioned annually for the service shall not exceed the greater of \$393,831 or \$2.5519/\$1,000 of net taxable value of land and improvements within the service area.

2 This Bylaw may be cited as "West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024."

READ A FIRST TIME this 21st day of March , 2024.

READ A SECOND TIME this 21st day of March , 2024.

READ A THIRD TIME this 21st day of March , 2024.

I hereby certify that this is a true and correct copy of the "West Creston Fire Protection Area Service Establishment Amendment Bylaw No. 2912, 2024" as read a third time by the Regional District of Central Kootenay Board on the day of , 2024.

Mike Morrison, Corporate Officer

RECEIVED the approval of the Inspector of Municipalities this day of , 2024.

ASSENT RECEIVED as per the *Local Government Act – Elector Assent* this day of , 2024.

ADOPTED by this day of , 2024.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2916

A bylaw to authorize the borrowing of the estimated cost of Two Million One Hundred Fifty One Thousand Nine Hundred Dollars (\$2,151,900) for the construction of the West Creston Fire Hall, the replacement of the water tender and the purchase of a frontline fire engine for the West Creston Fire Department.

WHEREAS the Regional Board of the Regional District of Central Kootenay has established West Creston Fire Protection Area Service Establishment Bylaw No. 2408, 2014, a service to provide fire protection within the West Creston Fire Protection Service Area;

AND WHEREAS it is deemed desirable and expedient to replace the water tender and purchase a frontline fire engine for the West Creston Volunteer Fire Department to meet the requirements of the National Fire Protection Association and the Fire Underwriters Survey, and to complete construction of the West Creston Fire Hall;

AND WHEREAS the estimated cost of the construction of the West Creston Fire Hall, the replacement of the water tender and purchase of the frontline fire engine including expenses incidental thereto is the sum of Two Million One Hundred Fifty One Thousand Nine Hundred Dollars (\$2,151,900), of which the sum of \$2,151,900 is the amount of debt intended to be borrowed by this bylaw;

AND WHEREAS the maximum term for which a debenture may be issued to secure the debt created by this bylaw is for a term not to exceed twenty (20) years;

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

- 1 The Regional Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the construction of the West Creston Fire Hall, the replacement of the water tender and purchase of the frontline fire engine, serving the West Creston Fire Protection Service Area, generally in accordance with plans on file in the regional district 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 Regional District a sum not exceeding Two Million One Hundred Fifty One Thousand Nine Hundred Dollars (\$2,151,900).
 - (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 West Creston Fire Hall, the replacement of the water tender and purchase of the frontline fire engine.
- 2 The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years.

3 This bylaw may be cited as **“West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024”**.

READ A FIRST TIME this 21st day of March , 2024.

READ A SECOND TIME this 21st day of March , 2024.

READ A THIRD TIME this 21st day of March , 2024.

I hereby certify that this is a true and correct copy of the **“West Creston Fire Protection Service Loan Authorization (Fire Hall, Water Tender & Frontline Fire Engine) Bylaw No. 2916, 2024”** as read a third time by the Regional District of Central Kootenay Board on the _____ day of _____, 2024.

Mike Morrison, Corporate Officer

RECEIVED the approval of the Inspector of Municipalities this _____ day of _____, 2024.

RECEIVED the approval of the electors this _____ day of _____, 2024.

ADOPTED this _____ day of _____, 2024.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer