

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, APRIL 9, 2025**

SUBJECT **AAP Requirements for Bylaw No. 4634: Sooke and Electoral Area Recreation and Facilities Service 2025 Capital Project Loan Authorization Bylaw No. 1, 2025**

ISSUE SUMMARY

The CRD Board must establish the process for conducting an alternative approval process (AAP) by establishing the total number of electors, approving the deadline to receive elector responses, approving a synopsis for the bylaw, the statutory notice, and the elector response form.

BACKGROUND

At its meeting held February 12, 2025, the Capital Regional District (CRD) Board gave third reading to Bylaw No. 4634, "*Sooke and Electoral Area Recreation and Facilities Service 2025 Capital Project Loan Authorization Bylaw No. 1, 2025*" (Appendix A).

The purpose of Bylaw No. 4634 is to authorize the borrowing of a sum not exceeding Three Million One Hundred Fifty Thousand Dollars (\$3,150,000) for the purposes of recreational service capital projects, including heat recovery capital projects and the construction and development of a skateboard park. The debt servicing cost will be recovered over a maximum term of 15 years through annual requisition for the service.

Prior to adopting a loan authorization bylaw, participating area approval is required and will be obtained for the entire service area by alternative approval process. The service area applies to the electors within the Sooke and Electoral Area Recreation and Facilities Service area which is comprised of the District of Sooke and a portion of the Juan de Fuca Electoral Area (including East Sooke, Jordan River, Otter Point, Shirley and Rural Resource Lands; and specifically excluding Malahat, Port Renfrew, and Willis Points) as set out in Bylaw No. 4029, as amended, in the Capital Regional District.

The following documents have been prepared in accordance with the applicable sections of the *Local Government Act* and the *Community Charter* and must be approved by the CRD Board:

- Synopsis of Bylaw No. 4634 (Appendix B)
- Notice of AAP for Bylaw No. 4634 (Appendix C)
- Elector Response Form for Bylaw No. 4634 (Appendix D)

With an AAP, the Board may proceed with adopting the bylaw if less than 10% of electors submit a signed Elector Response Form indicating that the Board must obtain the assent of the electors by way of assent voting (referendum). The total number of electors in the Sooke and Electoral Area Recreation and Facilities Service area is determined to be 18,255 of which 10% is 1,826 electors. The AAP Elector Response Form will be available when the statutory Notice of AAP is published on April 17, 2025 and the response period will close at 4:30 pm on May 23, 2025.

ALTERNATIVES

Alternative 1

1. That in accordance with section 86(3) of the *Community Charter*, the date of May 23, 2025 be confirmed as the deadline by which elector responses, under the alternative approval process for CRD Bylaw No. 4634, must be submitted to the Capital Regional District by qualified electors within the service participating area;
2. That the attached Synopsis of Bylaw No. 4634 (Appendix B), Notice of Alternative Approval Process (Appendix C), Elector Response Form (Appendix D), and AAP communication channels (Appendix E) be approved; and
3. That the total number of registered electors within the service participating area is 18,255 and that 10% of that number is 1,826 electors.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Communication Channels

The AAP notification for Bylaw No. 4634 will launch on April 17, 2025. The purpose of the communication approach is to inform electors in the Sooke and Electoral Area Recreation and Facilities Service area of the purpose and intent of borrowing for recreational service capital projects, provide information regarding the opportunity to submit response forms to the bylaw prior to the deadline, and address questions that may arise during the process. The AAP communication channels plan is attached as Appendix E.

CONCLUSION

The CRD Board had previously approved obtaining participating area approval for the entire service area by alternative approval process for Bylaw No. 4634, "*Sooke and Electoral Area Recreation and Facilities Service 2025 Capital Project Loan Authorization Bylaw No. 1, 2025*". Prior to conducting the alternative approval process, the Board must confirm the deadline to receive elector responses as May 23, 2025, establish the number of eligible electors, and approve the synopsis of Bylaw No. 4634 (Appendix B), Notice of Alternative Approval Process (Appendix C), and the Elector Response Form (Appendix D) in accordance with the applicable provincial legislation.

RECOMMENDATION

1. That in accordance with section 86(3) of the *Community Charter*, the date of May 23, 2025 be confirmed as the deadline by which elector responses, under the alternative approval process for CRD Bylaw No. 4634, must be submitted to the Capital Regional District by qualified electors within the service participating area;
2. That the attached Synopsis of Bylaw No. 4634 (Appendix B), Notice of Alternative Approval Process (Appendix C), Elector Response Form (Appendix D), and AAP communication channels (Appendix E) be approved; and
3. That the total number of registered electors within the service participating area is 18,255 and that 10% of that number is 1,826 electors.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Glenn Harris, Ph.D., R.P.Bio., Acting General Manager Parks, Recreation & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4634 at Third Reading

Appendix B: Synopsis of Bylaw No. 4634

Appendix C: Notice of AAP for Bylaw No. 4634

Appendix D: Elector Response Form for Bylaw No. 4634

Appendix E: AAP Communication Channels for Bylaw No. 4634

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4634

*** A BYLAW TO AUTHORIZE THE BORROWING OF THREE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$3,150,000) FOR THE PURPOSE OF CONSTRUCTION OF RECREATIONAL SERVICE CAPITAL PROJECTS IN THE DISTRICT OF SOOKE AND THE JUAN DE FUCA ELECTORAL AREA**

WHEREAS:

- A. Under Bylaw No. 4029, "Sooke and Electoral Area Recreation and Facilities Service Establishment Bylaw No. 1, 2016", the Capital Regional District established a service for recreational and related community programs, equipment, and facilities for the municipal participating area of the District of Sooke, and a portion of the Electoral Area of Juan de Fuca;
- B. The Board of the Capital Regional District wishes to construct recreational service capital projects for the service including a Heat Recovery System for the SEAPARC Recreation Centre and the Sooke Skate Park replacement as included in the service's capital plan;
- C. The estimated cost of the recreational service capital projects, including heat recovery capital improvements and the construction and development of a skateboard park, including expenses incidental thereto to be funded by debt servicing, is the sum of Three Million One Hundred Fifty Thousand Dollars (\$3,150,000), which is the amount of debt intended to be authorized by this bylaw;
- D. Pursuant to Section 407(3)(b) of the *Local Government Act*, elector approval is required, and pursuant to Section 345, elector consent is to be obtained by alternative approval process;
- E. The approval of the Inspector of Municipalities is required under Section 406 of the *Local Government Act*; and
- F. Financing is proposed to be undertaken by the Municipal Finance Authority of British Columbia pursuant to agreements between it and the Capital Regional District;

NOW THEREFORE the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the planning, study, design, supply and installation of all material, equipment and components and all construction necessary for the recreational service capital projects, including heat recovery capital projects and the construction and development of a skateboard park, in connection with the service and to do all things necessary in connection with the recreational service capital projects and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Capital Regional District a sum not exceeding Three Million One Hundred Fifty Thousand Dollars (\$3,150,000); and
 - b) to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the recreational service capital projects.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is fifteen (15) years.
3. This Bylaw may be cited as "Sooke and Electoral Area Recreation and Facilities Service Loan Authorization Bylaw No. 1, 2025".

READ A FIRST TIME THIS	13 th	day of	November,	2024
READ A SECOND TIME THIS	13 th	day of	November,	2024
READ A THIRD TIME THIS	12 th	day of	February,	2025
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	27 th	day of	February,	2025
APPROVED BY ALTERNATIVE APPROVAL PROCESS PER S.345 OF THE <i>LOCAL GOVERNMENT ACT</i> THIS		day of		20__
ADOPTED THIS		day of		20__

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS day of 20__

Synopsis of Bylaw No. 4634, “*Sooke and Electoral Area Recreation and Facilities Service Loan Authorization Bylaw No. 1, 2025*”

The purpose of Bylaw No. 4634 is to authorize the borrowing of a sum not exceeding Three Million One Hundred Fifty Thousand Dollars (\$3,150,000) for the purposes of recreational service capital projects, including heat recovery capital projects and the construction and development of a skateboard park. The debt servicing cost will be recovered over a maximum term of 15 years through annual requisition for the service.

The Alternative Approval Process opportunity applies to the electors within the **Sooke and Electoral Area Recreation and Facilities Service area which is comprised of the District of Sooke and a portion of the Juan de Fuca Electoral Area (including East Sooke, Jordan River, Otter Point, Shirley and Rural Resource Lands; and specifically excluding Malahat, Port Renfrew, and Willis Point)** as set out in Bylaw No. 4029, as amended, in the Capital Regional District.

Please note that this synopsis of Bylaw No. 4634 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at Capital Regional District offices located at 625 Fisgard Street, Victoria, BC from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays). The bylaw may also be viewed at www.crd.ca/SEAPARC-aap.

**NOTICE TO ELECTORS
WITHIN THE CAPITAL REGIONAL DISTRICT**

Alternative approval process for Bylaw No. 4634 to authorize the borrowing of a sum not to exceed Three Million One Hundred Fifty Thousand Dollars (\$3,150,000) for the purpose of recreational service capital projects (SEPARC Recreation Centre and Sooke Skate Park) in the Sooke and Electoral Area Recreation and Facilities Service

Notice is hereby given that the Board of Directors of the Capital Regional District ("CRD") proposes to adopt Bylaw No. 4634, *"Sooke and Electoral Area Recreation and Facilities Service Loan Authorization Bylaw No. 1, 2025"*. The service area applies to electors of the Sooke and Electoral Area Recreation and Facilities Service area as set out in Bylaw No. 4029, as amended. The purpose of Bylaw No. 4634 is to authorize the borrowing of a sum not exceeding Three Million One Hundred Fifty Thousand Dollars (\$3,150,000) for the purposes of recreational service capital projects, including heat recovery capital projects and the construction and development of a skateboard park. The debt servicing cost will be recovered over a maximum term of 15 years through annual requisition for the service.

The Alternative Approval Process opportunity applies to the electors within the **Sooke and Electoral Area Recreation and Facilities Service area which is comprised of the District of Sooke and a portion of the Juan de Fuca Electoral Area (including East Sooke, Jordan River, Otter Point, Shirley and Rural Resource Lands; and specifically excluding Malahat, Port Renfrew, and Willis Point)** as set out in Bylaw No. 4029, as amended, in the Capital Regional District.

Please note that this synopsis of Bylaw No. 4634 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at Capital Regional District offices located at 625 Fisgard Street, Victoria, BC from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays). The bylaw may also be viewed at **www.crd.ca/SEAPARC-aap**.

Take further notice that the CRD may proceed with Bylaw No. 4634 unless at least 1,826 electors (constituting 10% of eligible electors) within the Sooke and Electoral Area Recreation and Facilities Service area indicate, by signing the elector response form, that the Board must obtain the assent of the electors by way of an assent vote (referendum) before proceeding to adopt Bylaw No. 4634.

The elector response must be in the form as established by the CRD and is available from the CRD on request or from the CRD website at **www.crd.ca/SEAPARC-aap**. The only persons entitled to sign elector response forms are electors of the area to which the alternative approval process opportunity applies. The alternative approval process applies to the electors within the **Sooke and Electoral Area Recreation and Facilities Service area which is comprised of the District of Sooke and a portion of the Juan de Fuca Electoral Area (including East Sooke, Jordan River, Otter Point, Shirley and Rural Resource Lands; and specifically excluding Malahat, Port Renfrew, and Willis Point)**.

The deadline for submitting signed elector response forms, in relation to Bylaw No. 4634, to the CRD is **4:30 pm on Friday, May 23, 2025**. Forms must be received by the deadline to be counted. A copy of the elector response form may be downloaded from: www.crd.ca/SEAPARC-aap.

To obtain an elector response form, or for questions about the alternative approval process, contact Legislative Services, 625 Fisgard Street, Victoria, BC, V8W 1R7, email legserv@crd.bc.ca, telephone 250.360.3024 or toll free 1.800.663.4425 from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays).

Questions regarding Bylaw No. 4634 may be directed to Melanie Alsdorf, Senior Manager SEAPARC Recreation, 2168 Phillips Road, Sooke, BC, 250.642.8009, malsdorf@crd.bc.ca, from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until May 23, 2025.

Qualifications for Resident and Non-Resident Property Electors

Resident Elector: You are entitled to submit an elector response form as a Resident Elector if you are 18 years or older on the date of submission of the elector response form, are a Canadian citizen, have resided in British Columbia for at least 6 months and currently reside in the **Sooke and Electoral Area Recreation and Facilities Service area** prior to signing the elector response form.

Non-Resident Property Elector: You may submit an elector response form as a Non-Resident Property Elector if you are 18 years or older on the date of submission of the elector response form, are a Canadian citizen, have resided in British Columbia for 6 months, have owned and held registered title to property in the **Sooke and Electoral Area Recreation and Facilities Service area** for 30 days and do NOT qualify as a Resident Elector. If there is more than one registered owner of the property (either as joint tenants or tenants in common) only one individual may, with the written consent of the majority, submit an elector response form.

Elector response forms, a copy of Bylaw No. 4634, and a copy of this Notice may be inspected during regular office hours, 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until **4:30 pm on Friday, May 23, 2025** at the following CRD locations:

- CRD Headquarters, 625 Fisgard Street, Victoria, BC
- SEAPARC Recreation Centre, 2168 Phillips Road, Sooke, BC
- CRD Planning Office, #3-7450 Butler Road, Sooke, BC
- on the CRD website: www.crd.ca/SEAPARC-aap

Given under my hand at Victoria, BC this 17th day of April 2025.

Kristen Morley
Corporate Officer



Making a difference...together

ELECTOR RESPONSE FORM

Appendix D

Alternative Approval Process for Bylaw No. 4634

By completing this elector response form I **oppose** the Capital Regional District's intention to adopt **Bylaw No. 4634, "Sooke and Electoral Area Recreation and Facilities Service Loan Authorization Bylaw No. 1, 2025,"** which authorizes the borrowing of up to \$3,150,000 to be repaid over a period not exceeding 15 years for the purpose of financing recreational service capital projects at the SEAPARC Recreation Centre and the Sooke Skate Park, unless a vote is held.

Please print using BLOCK LETTERS

Full name of elector: _____
(one form per person)

Choose one (see next page for eligibility requirements):

☐ I am a resident elector

Residential Address: _____
Street Name Municipality/Electoral Area Postal Code

☐ I am a non-resident property elector in the Capital Regional District who lives in another community in **British Columbia** and owns property at the below address (see reverse for eligibility requirements):

Street Name Municipality/Electoral Area Postal Code

Signature: _____
A person must not sign more than one elector response form

The deadline for submitting this elector response form to the **Capital Regional District** is: **4:30 p.m. on Friday, May 23, 2025.**

Address: c/o Legislative Services, CRD, 625 Fisgard Street, Victoria, BC, V8W 1R7

Phone: 250.360.3024

E-mail: LegServ@crd.bc.ca (please scan a legible signed copy as PDF)

The Capital Regional District may obtain elector approval for Bylaw No. 4634, "*Sooke and Electoral Area Recreation and Facilities Service Loan Authorization Bylaw No. 1, 2025*" unless at least 1,826 electors sign and submit a completed copy of this elector response form to the Capital Regional District by the deadline.

Additional information can be found on the next page of this form about the subject of this alternative approval process as well as elector qualifications.

Bylaw No. 4634 – AAP Information Sheet

The purpose of Bylaw No. 4634 is to authorize the borrowing of a sum not exceeding Three Million One Hundred Fifty Thousand Dollars (\$3,150,000) for the purposes of recreational service capital projects, including heat recovery capital projects and the construction and development of a skateboard park. The debt servicing cost will be recovered over a maximum term of 15 years through annual requisition for the service.

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Please note that this synopsis of Bylaw No. 4634 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at Capital Regional District offices located at 625 Fisgard Street, Victoria, BC from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays). The bylaw may also be viewed at www.crd.ca/SEAPARC-aap.

Additional Information About Elector Eligibility

In order to sign an elector response form, a person must either be a resident elector or a non-resident property elector.

A resident elector is an individual who is entitled to sign an elector response form during an AAP by virtue of living within that jurisdiction. <i>When signing an elector response form</i>, a resident elector must: • be 18 years of age or older; • be a Canadian citizen; • have been a resident of British Columbia for at least six months; • be a resident of the jurisdiction (e.g., municipality or electoral area); • live in the area defined for the AAP (i.e. Sooke and Electoral Area Recreation and Facilities Service area); and, • not be disqualified under the <i>Local Government Act</i>, or any other enactment from voting in a local election or be otherwise disqualified by law.	A non-resident property elector* is an individual that does not live in a jurisdiction and who is entitled to sign an elector response form during an AAP by virtue of owning property in that jurisdiction. <i>When signing an elector response form</i>, a non-resident property elector must: • be at least 18 years of age; • be a Canadian citizen; • have been a resident in British Columbia for at least six months; • be a registered owner of property in the area defined for the AAP (i.e. Sooke and Electoral Area Recreation and Facilities Service area); for at least 30 days; and, • not be disqualified under the <i>Local Government Act</i>, or any other enactment from voting in a local election or be otherwise disqualified by law.
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*Notes for non-resident property elector(s):

- Section 86(7) of the Community Charter requires the elector's full name and residential address or the address of the property in relation to which the person is entitled to register as a non-resident property elector in order for this response form to be counted.
- Only one non-resident property elector may sign an elector response form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.

Table: AAP Communication Channels for Bylaw No. 4634

Publisher	Channel	Area	Cost	Publish Date
Times Colonist	Print	Regional	\$1,344	April 17
Black Press	Sooke Mirror	Sooke	\$750	April 24
CRD Website	Notice	Regional	-	April 17
CRD Notice Board	Notice	Headquarters - 625 Fisgard Street	-	Week of April 21
CRD Notice Board	Notice	Planning Office - 3-7450 Butler Rd, Sooke	-	Week of April 21
CRD Notice Board	Notice	SEAPARC Leisure Complex, 2168 Phillips St	-	Week of April 21
Social Media	Facebook	SEAPARC Facebook Page	-	Week of April 21
Total			\$2,094	