



SPECIAL REGIONAL SERVICES COMMITTEE MEETING

THURSDAY, SEPTEMBER 8, 2011

6:00 PM / BOARD ROOM

175 INGRAM STREET

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The next Regular meeting of Regional Services Committee is scheduled to be held on Wednesday, October 26, 2011 at 6:00 pm, in the Board Room, CVRD, 175 Ingram Street, Duncan, BC.

DISTRIBUTION:

Regional Services Committee

Director P. Kent, Chair
Director R. Hutchins, Vice-Chair
Director K. Cossey
Director M. Dorey
Director L. Duncan

Director G. Giles
Director B. Harrison
Director D. Haywood
Director T. Walker
Director L. Iannidinardo

Director K. Kuhn
Director M. Marcotte
Director T. McGonigle
Director I. Morrison
Director G. Seymour

Cowichan Valley Regional District

Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary

Mark Kueber, General Manager, Corporate Services

(Agenda Cover Only):

Ron Austen, General Manager, Parks, Recreation & Culture
Tom Anderson, General Manager, Planning & Development
Brian Dennison, General Manager, Engineering & Environmental Services
Sybille Sanderson, Acting General Manager, Public Safety
Sharon Moss, Manager, Finance
Jacob Ellis, Manager, Corporate Planning
Kate McIntosh, Manager, Human Resources
Bob McDonald, Manager, Recycling & Waste Management
Geoff Millar, Manager, Economic Development
Brian Farquhar, Manager, Parks & Trails
Kate Miller, Manager, Regional Environmental Policy



MEETING CONDUCT

The CVRD is committed to fostering a safe, respectful, orderly environment for the public to observe its local government meetings. Adherence to following code of conduct will help us meet that commitment:

1. Respect will be shown to other members of the public, the Board and staff;
2. Individuals will refrain from disruptive behavior impeding the proceedings or other disorderly conduct;
3. Directives of the Chair will be complied with in a prompt and orderly fashion;
4. Questions and comments during delegations and question period will be made at the appropriate time.

Failure to comply with this code of conduct may result in your expulsion from this facility in accordance with Section 133 of the *Community Charter*.



SR1

STAFF REPORT

SPECIAL REGIONAL SERVICES COMMITTEE MEETING OF SEPTEMBER 8, 2011

DATE: August 26, 2011
FROM: Warren Jones, Chief Administrative Officer
SUBJECT: South Cowichan Eco Depot Opinion Referendum

Recommendation/Action:

1. That "CVRD Bylaw No. 3550 – South Cowichan Recycling Facility Siting Opinion Referendum Bylaw, 2011", be forwarded to the Board for consideration of three readings and adoption. (See attached bylaw)
2. That direction be given on whether to obtain elector approval on an area by area basis or as one entire proposed service area.
3. That direction be given on whether to count the opinion ballots and report out at each Voting Place or whether to combine all the ballots and count the ballots to result in one cumulative total.
4. That a communications strategy be developed that supports the opinion question process and informs residents on the proposed South Cowichan Eco Depot.

Relation to the Corporate Strategic Plan:

Development of a recycling & household waste collection facility in the South Cowichan Area is recommended in the CVRD's adopted Solid Waste Management Plan. The implementation of this plan is a listed priority in the Corporate Strategic Plan as part of the CVRD's commitment to responsible waste management.

Financial Impact: (Reviewed by Finance Division: sent)

The costs associated with an opinion referendum at the upcoming 2011 general local elections depends on whether director acclamations occur, the number of areas participating, and whether the area votes will be cumulatively counted. If an Electoral Area Director is acclaimed and no other referendum questions are on a ballot it will cost between \$8,000 to \$10,000 per Voting Place. If only Areas A, B, and C participate in the opinion referendum, there are no acclamations and a combined ballot count be utilized, it will cost approximately \$9,215. Should the opinion referendum be administered region wide, the cost would be approximately \$58,750. Additional expense will also be incurred to support the opinion referendum with advertising and public education. There is capacity within the 2011 budget to accommodate these costs.

Background

At its Aug 3, 2011 meeting, the Board directed staff to prepare a report outlining the process and implications of conducting an opinion referendum respecting the location of the proposed Eco Depot. In determining to proceed with an opinion referendum as part of the 2011 general local elections, the Board may wish to consider the following issues: (1) which areas should participate, (2) how to word the opinion question, (3) whether to obtain elector approval on area by area basis or as one combined area, (4) whether to combine the counting of ballots (5) what communications strategy should be utilized, and (6) what the disadvantages and advantages are of utilizing a public opinion referendum.

Opinion question wording

It is important that the public opinion question is objectively and accurately worded. It is also important that the question focuses on the location and not whether or not a facility in South Cowichan is needed. Two examples of how the opinion question might be worded include:

1. Are you in favour of locating the 'South Cowichan Eco Depot' recycling and household waste collection facility at 3224 Cameron Taggart Road?
2. Do you support a future recycling and household waste collection facility being located at 3224 Cameron Taggart Road?

Areas participating in the opinion question

An initial determination needs to be made on which areas will participate in the opinion referendum. The number of residents participating in the opinion referendum may be "small", comprised of Electoral Area B only, it could be sub-regional and include Electoral Areas A, B, and C, it might be expanded more to include Electoral Area D, or it could be region-wide.

1. Asking the opinion question in just Electoral Area B is one option, since the facility will be physically located in this area.
2. Opening public participation to Electoral Areas A, B, and C is also logical choice, as these three electoral areas represent the primary sub-region that the proposed facility would serve and are most proximate to the proposed site.
3. Extending participation beyond Electoral Areas A, B, and C to include Area D may be another sensible option as this facility would be the nearest location for Area D residents to utilize.
4. Inclusion of all areas in the CVRD is yet another option as the costs to build and operate recycling and solid waste management facilities are shared on a regional basis, and the construction of a South Cowichan Eco Depot will directly affect service levels at other depots, however, the question's focus is on location which pertains less to these other areas.

Area by area approval versus approval by the entire service area

The opinion referendum can be administered on an area by area basis, or "approval of the electors can be obtained over the entire service area" meaning that the participating areas would be combined and treated as a single area.

Area by Area approval requires each area to pass the referendum in order for the referendum to be successful. Failure in just one area means the referendum is defeated. Obtaining approval over the entire area means that the cumulative total of all votes cast determine whether or not a referendum passes. It doesn't matter if the referendum fails in one or more areas as long as the final cumulative total exceeds 50% approval. If the Board wishes to obtain approval area by area, no resolution is required. If the Board wishes to obtain approval over the entire area, the following resolution would be required:

- "That participating area approval for the South Cowichan Recycling Facility Siting Opinion Referendum is to be obtained for the entire proposed service area."

Counting of Ballots

Ballots can be counted on an area by area basis, or as one combined area. Area by Area counting will provide a total count of the votes received for each participating electoral area. A combined total ballot count will delay the opinion referendum reporting by approximately two hours and will result in a cost increase of \$9,215 (if the question is asked in Electoral Areas A, B, and C). Historically, referendums conducted by the CVRD have had ballots counted and reported out at each Voting Place; however, it is possible to combine all of the ballots from each Voting Place to achieve one single entire area result. If the Board desires that the counting of all the ballots be combined into one overall single entity, the following resolution would be required (after the Board adopted a resolution that participating area approval be obtained for the entire proposed service area):

- "That the ballots for the South Cowichan Recycling Facility Siting Opinion Referendum from each Voting Place be combined and counted as one single entity."

Communications strategy

The Board should consider whether to approach this opinion referendum as a "neutral observer" or as a "proponent". Because a careful review and analysis of all available information shows that the Cameron Taggart Road site is the best available location for the South Cowichan Eco Depot, it is recommended that the CVRD support the opinion question process with public education and advertising, similar to what was done with the Regional Parkland Acquisition Fund and Cowichan Lake Sports Arena processes.

Disadvantages of placing an opinion question on the ballot

While placing an opinion question on the ballot may provide some benefits, there may also be disadvantages. Some of these include:

- While the outcome of the opinion question is not legally binding, in practical terms it is. If the community collectively votes against the project, it would likely be highly impractical to proceed in the face of formal public disapproval.
- Delegating decision making responsibility to the community for long term local government infrastructure may place a heavy burden on many people who may feel the need to pour over volumes of reports, studies and plans in order to be adequately prepared to make an informed decision on the merits of the location and project.

- The process to again collect public input may be seen as duplicative and redundant. Considerable efforts and resources have already been expended to obtain considerable community input regarding this proposed project including surveys, open houses, neighbourhood advisory group meetings, delegations, and a door to door consultation process.
- The Board risks establishing decision making precedence when it chooses to proceed on challenging issues only after an opinion question. Delegating this responsibility may create an expectation that other issues too will be put to a public vote before a decision can be made.
- Finally, after an extensive review process, the Cameron Taggart Road location has been determined to be the best available site for the South Cowichan Eco Depot. Should the site be moved to another location at this point, it is possible a new local opposition group will form. Opposition to a new site may be bolstered by the fact the CVRD has already stated that the Cameron Taggart Road location is the best site.

Benefits of placing an opinion question on the ballot

Some of the benefits of again asking residents, via opinion referendum, whether to build the South Cowichan Eco Depot at 3224 Cameron Taggart Road include:

- It would take advantage of the most comprehensive community input tools available to local governments.
- It may be perceived as a more democratic approach to those who want to have a personal say in making decisions on issues that impact the entire community.
- If the majority of residents vote in favor of the facility, opponents to the project may be less inclined to feel that the project was forced on the community and more likely to recognize the community's endorsement as a democratic expression of will of the people.
- It may have the effect of increasing voter turnout as elections with high profile issues tend to draw more attention and corresponding number of voters.

Since the Board made the decision to consider conducting an opinion referendum, the feedback to staff has generally been supportive this approach. It is important to receive direction from the Board on September 8, 2011 so the appropriate bylaw can be placed on the agenda of the September 14, 2011 Board meeting.

Submitted by



Warren Jones
Chief Administrative Officer

Attachments



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3550

A Bylaw to Authorize the Cowichan Valley Regional District
to Obtain, by Referendum, the Opinion of the Electors

WHEREAS Section 797.3 of the *Local Government Act* provides that the Board may, by bylaw, provide for a referendum to obtain the electors' opinion on a question regarding a service that is or may be operated by the Regional District within Electoral Area B – Shawnigan Lake;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to obtain the opinion of the electors in Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake, and Electoral Area C – Cobble Hill regarding the siting of the South Cowichan Recycling Facility;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3550 – South Cowichan Recycling Facility Siting Opinion Referendum Bylaw, 2011**".

2. REFERENDUM QUESTION

There shall be submitted to the electors of Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake, and Electoral Area C – Cobble Hill at a referendum to be held on Saturday November 19, 2011, the following question:

"Are you in favour of locating the 'South Cowichan Eco Depot' recycling and household waste collection facility at 3224 Cameron Taggart Road?"

YES ☐ NO ☐

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary

Figure 1



