



Report Date: December 3, 2019

Author: Shelley Termuende

Meeting Date: December 12, 2019

REQUEST FOR DECISION REPORT

TO: Committee of the Whole

FROM: Michelle Jones, Manager of Administrative Services

IN COLLABORATION WITH: Shelley Termuende, Legislative Assistant

SUBJECT: Lund Water Service Petition

ACTION/RECOMMENDATION

THAT the Committee recommend the Board receive the Certificate of Sufficiency for the petition received from the Lund Waterworks District requesting the conversion of the Lund Waterworks District Water Service to a Regional District service, and

THAT the Committee recommend the Board direct staff to bring back a report regarding next steps.

PURPOSE/SUMMARY

To advise the Committee on the results of the Lund Waterworks District's petition requesting the conversion of the Lund Waterworks District Water Service.

BACKGROUND

The Lund Waterworks District recently conducted a petition to seek elector approval to convert the Lund Waterworks District to a Regional District service. Staff received the petitions from the Lund Waterworks District.

STRATEGIC PRIORITY

Service Excellence and Community Support

DISCUSSION

In accordance with section 797.4 of the *Local Government Act* and section 212 of the *Community Charter*, approval of the electors is obtained if the petition is signed by the owners of at least 50 per cent of the parcels liable to be charged for the proposed service, and the persons signing are

the owners that in total, represent 50 per cent of the net taxable value of all land and improvements within the proposed service area subject to the local service tax.

As per section 212.6 of the *Community Charter*, if two or more persons are owners of a parcel, the owners must be considered as one owner, and the owners are not entitled to petition unless the majority of the owners on title concur and a majority sign the petition.

Crown corporations, their lessors and Tla'amin Nation properties are ineligible to sign the petition as they would be provided water services through service agreements.

Corporately owned properties must provide sufficient supporting documentation that proves corporate signing authority for the business in order to be validated and certified.

qathet Regional District owns four properties within the service boundary as well as Divers Rock which is designated as park land. The Board authorized the Corporate Officer to sign the petition per resolution on September 18, 2019.

THAT the Board authorize the Corporate Officer to sign four petitions in favour of the establishment of the Lund Water System Service for the following properties located within the Lund Waterworks District: 9900 Finn Bay Road, 9656 Larson Road, 9642 Larson Road, and the property located at Highway 101 PID Number 030-468-396.

Divers Rock was found to be owned and have assessed value by the Regional District after the Lund Waterworks District submitted their petition. Divers Rock represents a total assessment value of \$314,000 within the proposed service area. A petition has not been signed by the qathet Regional District for this property.

Determining the Results

128 parcels are included within the service area boundary. 74 parcels were deemed as certified. The total affected property value, including Divers Rock, is \$53,121,117. The total affected property value certified in favour of the proposed service is \$33,459,200.

The petition was signed by the owners of 58 per cent of the parcels liable to be charged for the proposed water service. The petitions certified represent 63 per cent of the net taxable value of all land and improvements within the proposed service area subject to the local service tax.

Twelve petitions could not be certified at this time due to not obtaining sufficient documentation to prove corporate signing authority; and different or an additional owner on title of whom did not sign the petition on behalf of their property.

As these properties have submitted a petition in favour of the proposed water service, they will only increase the percentage of properties in favour of the proposed service when certified.

As the number of petitions received exceeds the requirements as set out in the *Community Charter and Local Government Act*, the Regional District is in a legal position to accept the Lund Waterworks District petition for the establishment of the Lund Water System Service and to authorize the borrowing of up to \$500,000 to cover ineligible costs for capital upgrades.

Based on the provisions of certifying a petition for service, Corporate Officers must determine, on the basis of the petition forms received, whether the form was signed by an eligible property owner and ensure that the required supporting documentation certifying ownership for business and corporately owned properties is provided and valid. Corporate Officers are also responsible for certifying whether owner approval was received – their determination is final and conclusive as per 212.5 of the *Community Charter*.

A certificate of sufficiency of the petition is attached to this report (Appendix A).

FINANCIAL IMPLICATIONS

Certifying petitions is included as part of the normal duties and functions of the Administrative Department.

PUBLIC AND/OR STAKEHOLDER ENGAGEMENT

N/A

CONCLUSION

The Lund Waterworks District has submitted a petition to convert the current Lund Water System to a Regional District Service. The petition is certified approved as per legislative requirements. The Board is now in a legal position to accept the petition.



Michelle Jones
Manager of Administrative Services



Concurrence: Al Radke
Chief Administrative Officer