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**District of Lantzville**

**REPORT TO CHIEF ADMINISTRATIVE OFFICER**

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**Meeting Date:** June 12, 2024

**SUBJECT: Update #2 regarding “District of Lantzville Water System Expansion “The Winds” Local Area Service Bylaw No. 336, 2023”**

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**PURPOSE**

To provide Council with an update on the implementation of the “The Winds” Local Area Service establishment. A report was provided to Council on May 8, 2024, indicating that a 2<sup>nd</sup> report would be provided on June 12, 2024.

**RECOMMENDATIONS**

This Report is to update Council on the next steps required to establish “District of Lantzville Water System Expansion “The Winds” Local Area Service Bylaw No. 336, 2023”. No motions are required at this time.

**ALTERNATIVES AND IMPLICATIONS**

Not applicable.

**BACKGROUND/RELEVANT HISTORY**

The May 8, 2024, Staff Report provided Council with a review of the history of this project. At that time, it was estimated that the process to establish the Service would be initiated on June 12, 2024. The file has been reviewed to ensure all information is current before beginning the legal process to establish this Service, and, due to updates in the cost of the project, it is necessary to delay the initiation of establishing the Service because the associated Loan Authorization Bylaw requires an amendment to account for the cost increase as detailed in the next paragraph.

A current cost estimate was required for the bylaws associated to the Service establishment. The estimated cost of the project has increased from \$8,389,317 [April 2023] to \$9,296,506 [May 2024]. This increase requires an amendment to the “District of Lantzville Loan Authorization Bylaw No. 299, 2022”. Due to this Bylaw needing to be part of the Service establishment documents sent to the residents of “The Winds”, the initiation of the Service establishment must be put on hold until this Bylaw can be amended by Council.

In addition, the legal process to be used has changed from the May 8, 2024, staff report. The May 8, 2024, staff report referred to the Alternative Approval Process in Section 86 of the *Community Charter*. However, after further review, the Petition Against process in Sections 210, 211, 213 and 217 of the *Community Charter* will apply to the Service establishment for “District of Lantzville Water System Expansion “The Winds” Local Area Service Bylaw No. 336, 2023”. The timelines and process are very similar, so this change in procedures will not impact the timing of the Service establishment.

The documents required to initiate the Petition Against process are prepared so that they will be ready to present to Council for approval as soon as the amendment to the Loan Authorization Bylaw is completed, which staff expect to complete and present to Council for three readings at the June 26, 2024, Council meeting. This Bylaw requires Ministry approval until after the Petition Against process has been completed, which will take 6-8 weeks.

## **FUTURE STEPS**

June 26, 2024	<p>“District of Lantzville Loan Authorization Bylaw No. 299, 2022” <u>amendment</u> presented to Council; rescind 3<sup>rd</sup> reading; amend the cost and give it 3<sup>rd</sup> reading again.</p> <p>“District of Lantzville Water System Expansion “The Winds” Local Area Service Bylaw No. 336, 2023” presented to Council for 3 readings.</p>
July 10, 2024	<p>A report will be presented to Council, as per Section 210 of the <i>Community Charter</i>, to:</p> <ul style="list-style-type: none"> <li>(a) Establish the Elector Response Form;</li> <li>(b) Establish the deadline date for receipt of the Elector Response Forms;</li> <li>(c) Approve the Public Notice required as per Section 94 of the <i>Community Charter</i>.</li> </ul>
Date must be 30 days after 2 <sup>nd</sup> publication of the Public Notice	<p>Deadline date for receipt of the Elector Response Forms must be determined. This date <u>MUST</u> be <u>at least</u> 30 days after the 2<sup>nd</sup> publication of the Public Notice in the newspaper. The 2<sup>nd</sup> ad would appear in the paper on July 24, 2024, so the earliest we can conclude the Petition Against is August 26, 2024.</p> <p>To avoid any potential problems with the time frame being sufficient, it is recommended that a few days be added and that it be closed on August 30, 2024.</p> <p>“Days” in this context counts every day including statutory holidays, weekends and other non-business days.</p>
September 4, 2024	<p>Report to Council confirming the results of the Petition Against process.</p> <p>Documents sent to the Ministry for approval; 6-8 week time line.</p>
Upon receipt of Ministry approval	Both bylaws are presented to Council for adoption; the Service is established.
To be initiated by Finance	<b>Parcel Tax Bylaw:</b> prepare cost recovery bylaw (the District has historically used a parcel tax bylaw) and adopt. Parcel tax payments from those residents defined in the Local Area Service would repay the District’s share of the project’s capital cost.
To be initiated by Public Works	<b>Detailed Design:</b> surveying, detailed design work, and construction.

### **FINANCIAL IMPLICATIONS**

The project costs have been included in the current five-year Financial Plan for 2024-2028. With the receipt of the Provincial grant; the use of a Parcel Tax to recover the remainder of the cost from the owners of the properties receiving the Service; and the approval of the Loan Authorization Bylaw by the Ministry, and all of the required funding is in place.

### **COMMUNICATION STRATEGY**

The communication strategy will comply with the notice requirements for the Local Area Service on Council Initiative – Petition Against, defined in Sections 210, 211, 213 and 217 of the *Community Charter*. This report will be available for review by the public at a future Council meeting and be available on the District of Lantzville website. Per the terms of the grant, the District is also subject to the Communications Protocol referenced in the Shared Cost Agreement as set out in Schedule B of the Integrated Bilateral Agreement for the Investing in Canada Infrastructure Program (IBA-ICIP), but these do not impact the Petition Against process.

### **STRATEGIC PLAN ALIGNMENT**

“The Winds” water service implementation is included on Council’s 2023-2026 Strategic Priorities.

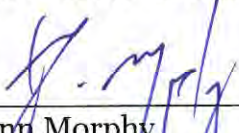
### **SUMMARY**

If Council wishes to proceed with the “The Winds” water service establishment, the next steps will be as recommended above.

Prepared by:

  
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Approved for submission to Council:

  
 Glen Morphy  
 Acting CAO / Director of Public Works

Date: May 28, 2024

Date: May 28, 2024

<b>REVIEWED WITH:</b>			
<input checked="" type="checkbox"/> Corporate Administration	<input type="checkbox"/> Fire Rescue	<input type="checkbox"/> Public Works/Engineering	<input type="checkbox"/> RCMP
<input checked="" type="checkbox"/> Financial Services	<input type="checkbox"/> Planning	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Committee:
<input type="checkbox"/> Other:			

<b>COUNCIL AGENDA INFORMATION:</b>		
<b>Meeting Type</b>	<b>Date</b>	<b>Agenda Item #</b>
Regular	June 12, 2024	
In-Camera		