



**TOWN OF CRESTON
REGULAR COMMITTEE OF THE WHOLE MEETING AGENDA**

Tuesday, April 20, 2021, 4:00 P.M.

Held Electronically via Webex In Accordance with Ministerial Order No. M192

WEBEX LOGIN:<https://creston.webex.com/creston/j.php?MTID=m5c55cc7ec63d3203bed69e1b4bf7ae8b>

Meeting number: 133 736 4365 Meeting password: TownCouncil

- 1. CALL TO ORDER**
- 2. TRADITIONAL TERRITORY ACKNOWLEDGEMENT**
- 3. ADOPTION OF AGENDA (and additional items if necessary)**
- 4. DELEGATIONS**

None
- 5. BUSINESS**
 - a. Presentation from the Director of Finance and Corporate Services regarding Town of Creston's delegation application to the Special Committee on Reforming the Police Act
 - b. Council Direction Request from the Manager of Engineering regarding an update to the enhanced Curbside Collection Program
 - c. Council Direction Request from the Director of Community Services regarding OCP/Zoning Amendment Application 01/21 (1152 Highway 21 North)
 - d. Council Direction Request from the Corporate Officer regarding the Town of Creston Election Bylaw
 - e. Council Direction Request from the Director of Finance and Corporate Services regarding the proposed Town of Creston Utility Rate Adjustment Policy
- 6. QUESTION PERIOD**
- 7. ADJOURNMENT**

.....

PRESENTATION TO SPECIAL COMMITTEE ON REFORMING THE POLICE ACT

.....

POLICING COST INEQUITY BY



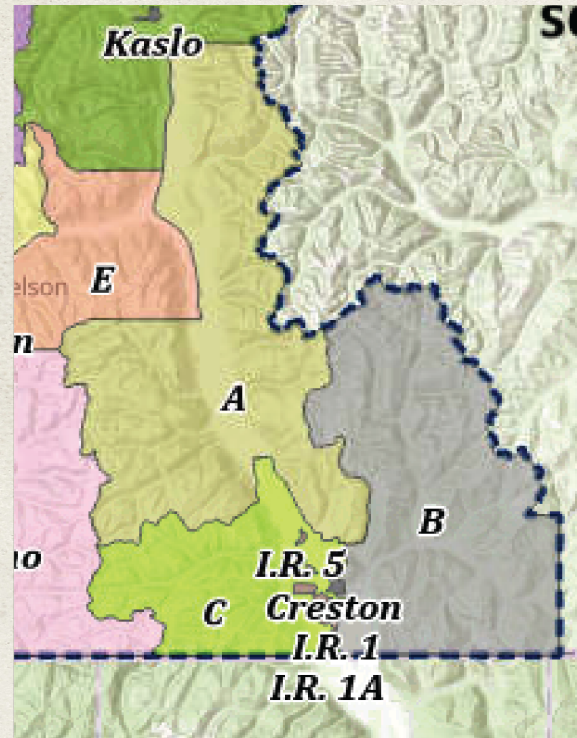
TOWN of CRESTON



Town of Creston – located in the Kootenays in Southeastern BC

Smaller community 5,300 in population with relatively high dependency on residential taxation

In 2011 Canada Census went over 5,000. Triggered change in how police costs were charged by the Province resulting in a sudden increase of 34% in Property taxation



CRESTON'S RCMP DETACHMENT

Serves a population of 13,500

Large area – similar size to US border at Osoyoos to just south of West Kelowna

13 officers

Town pays the majority of the costs



FAIRNESS, EQUITY, and NON-DISCRIMINATION

Are Principles that most British Columbians can identify with.
Police costs sharing unfortunately does not follow those principles.



Creston
\$352

Page 6 of 45
Rural Area
\$65

Municipally taxed house pays \$352 for RCMP
Provincially taxed house pays \$65 for RCMP

542% More for the identical service – WHY?



WHY IS THE SITUATION SO UNFAIR?

The current legislation makes it so.
In order to right this wrong, the Police Act **must be changed**

THE CURRENT SYSTEM OF SHARING POLICE COSTS IS FLAWED:

- When a community's population exceeds 5,000 there is a very large and quick shift in costs to the municipality from the Province. It can cause communities to spurn development.
- Police costs paid by rural and small communities cannot be higher than 50% of the cost. However, it is much lower in some cases.
- Disparity in rural vs municipal taxation causes incentive for sprawl since taxes are so much higher in municipalities.
- Provincial subsidization of only some taxpayers.
- Allocation of costs is subjective and not adjusted often

PRACTICAL SOLUTION:

Uses existing systems (low implementation cost)

- BC Assessment
- Police Tax
- Existing RCMP and Municipal Cost Tracking

Removes 5,000 population hurdle

Fair distribution of costs amongst all users of the services



PROPOSAL

The entire area that a detachment serves contributes to the cost.

Allocated based on assessed value of improvements only – avoids taxation of forest holdings and agricultural land.

Province sets the level of subsidization of the detachment such that all taxpayers benefit.

As a community grows the share of the cost increases gradually with the increase of improvements. No big violent change.

All taxes are imposed by the Province through Police Tax. Use the existing systems in place – very little change required.

Based on actual costs.



Special Committee on Reforming the Police Act

WHAT CAN YOU DO TO THE RIGHT THE SHIP?

Key provision in the Police Act must change in order to allow fixes to happen

- Part 2 – The Minister (Structure of Policing in BC)
- Part 9.1 – Recovering Small Community Policing Costs

Police Cost Equity is an important issue that affects all communities in BC

Please take this opportunity to help

For more information please see the attached report titled,
“Case to Make RCMP Cost Sharing More Equitable in British Columbia”

Steffan Klassen

Director of Finances and Corporate Services
Town of Creston

COUNCIL DIRECTION REQUEST (CDR)

Town of Creston

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ACTION DATE: April 20, 2021

SUBJECT: The Enhanced Curbside Collection Program UPDATE

SUGGESTED FOLLOW-UP ACTION: THAT the Council Direction Request from the Manager of Engineering regarding an Enhanced Curbside Collection Program BE RECEIVED; AND FURTHER, THAT Council DIRECTS Staff to proceed with preparing for the addition of curbside collection of kitchen scraps and recyclables to start in 2022.

CAO COMMENTS:

BACKGROUND

Staff Briefing Note:

Attached ☐

Available ☐

Nil ☐

1. DEFINE THE TOPIC

KEY INFORMATION: In 2020, following community engagement to understand the community's service level expectations and willingness to pay, Council approved the Launch of an Enhanced Curbside Collection Program for the additional collection of kitchen scrap and recyclables at the curb. In early 2021, application was made under the Organics Infrastructure and Collection Program (OICP) Grant and the Town's curbside collection contract was awarded to Tip-it Waste Solutions. Currently, the RDCK is preparing to award the construction contract for the Creston Landfill Composting Facility and the Town is completing the On-Boarding process with Recycle BC that will lead to a negotiated agreement to collect recycling at the curb.

RELEVANT OBSERVATIONS: Project start is delayed due to approval of the OICP Grant application, negotiating an Agreement with Recycle BC, delivery of a new Split-Body Garbage truck and opening of the Creston Landfill Composting Facility

STRATEGIC QUESTIONS: Does Council wish to explore alternatives for an earlier program start date?

ESSENTIAL QUESTION: Is Council willing to delay the launch of the Enhanced Curbside Collection Program to spring 2022? The exact start date would be set closer to launch.

2. DETERMINE DESIRED OUTCOMES if the essential question is addressed.

KEY RESULT: Continue Phase 2 and 3 engagement with the community and plan, with the Town's partners, for launch of the enhanced curbside program in 2022.

DESIRED BENEFITS OF KEY RESULT: Allowing time for all components required for a successful launch to be achieved will enable the Town to eventually launch the Enhanced Curbside Program in the most efficient and economical way possible.

REQUISITES: Funding under the OCIP Grant must be made available by the Province in order to purchase bins and develop program information material, the Town's contractor must received delivery of a split-body truck necessary for collection of curbside waste, an Agreement with Recycle BC must be finalized and the Creston Landfill Composting Facility must be operational prior to collecting kitchen scraps at the curb.

UNINTENDED OUTCOMES: Unknown – Staff will engage the community to further understand concerns related to an Enhanced Curbside Program.

3. EXPLORE RESPONSE OPTIONS to achieve the key result (Pros & Cons)

| | |
|----|---|
| 1. | Council direct Staff to proceed with preparing for the addition of curbside collection of kitchen scraps and recyclables to start in 2022 . Exact start dates would be set closer to launch. |
| 2. | Council direct Staff to proceed with preparing for the addition of curbside collection of kitchen scraps and recyclables to start in Fall 2021 . |
| 3. | Other Options Council may wish to consider |

Submitted by:

Colin Farynowski, Manager of Engineering

Reviewed by:

CAO

Michael Moore, CAO

STAFF BRIEFING NOTE

Town of Creston



DATE: 4/20/2021

| | |
|--------------------|---|
| TO: | Michael Moore, Chief Administrative Officer |
| CC: | Ferd Schmidt, Director of Infrastructure Services |
| FROM: | Colin Farynowski, Manager of Engineering |
| DEPARTMENT: | Infrastructure Services |
| SUBJECT: | Enhanced Curbside Collection Program UPDATE |
| APPENDIX: | <input type="checkbox"/> ATTACHED <input type="checkbox"/> OTHER DOCUMENT <input type="checkbox"/> NOT APPLICABLE |

PURPOSE / ISSUE:

To provide Council with an update on the launch of the Enhanced Curbside Collection Program and some of the hurdles that might get in the way of a Fall 2021 roll out.

BACKGROUND:

In 2019, Council signed an Agreement in Principle with the RDCK to begin collecting curbside organics by the end of 2022.

Also in 2019, Council authorized staff to develop a work plan that involves both curbside organics and recycling collection.

Recycle BC

The Town of Creston was provided with a formal offer to join the Recycle BC program as a contracted collection partner for curbside and multi-family collection services in 2020.

On-boarding documentation, development of an implementation plan and final collection agreements have been initiated and need to be in place a minimum period of 90 day prior to the actual launch date.

Community Consultation

In 2020, as part of the Town's efforts to work towards a residential Curbside Collection Service that meets the evolving needs of the community Phase 1, of a community consultation campaign, was initiated to support decision-making around the possibility of undertaking an enhanced service model with an anticipated launch in Fall 2021.

The focus, starting in the spring of 2021, would be on working with the community to follow the direction set for the service.

Phase 2 would involve reporting back to the community on what was learned and proactively engaging residents to ensure that changes are designed to be convenient and inclusive. There would be a focus on identifying barriers to full participation in the new service and designing solutions for overcoming those barriers.

Phase 3 would begin when the Town is ready to offer a new service. At that stage, the focus would be on helping households to prepare for and adapt to the changes. It is anticipated that resources and supplies designed with input from the community would be offered to households and other stakeholders.

STAFF BRIEFING NOTE

Town of Creston



Funding for Phase 3 is being provided under the Provincial - Organics Infrastructure and Collection Program (OICP) Grant.

Curbside Collection Contract

The Town went out for Request for Proposals for a collection contractor in August 2021. Upon review of the proposals the Town entered into Contract with Tip-it Waste Solutions (Kootenay) Inc., in December 2020.

Upon Award of the contract, Tip-it then proceeded with the procurement of a spit-body garbage truck as required under the contract. The anticipated delivery of this critical piece of equipment is early December 2021.

Creston Landfill Composting Facility

The tender for the construction of a Composting Facility at the Creston Landfill closed on Thursday April 15th, 2021. At the time this report was prepared tender results were not known, however, it is anticipated that substantial construction completion will be October 15, 2021.

Following construction completion, the new facility will need to be commissioned and staff trained in its operating prior to it being opened for use.

The Regional District of Central Kootenay is working toward having the facility ready for use in Fall 2021, but they have indicated that starting collection of organic material (for the first time) during winter months will be operationally difficult. The RDCK recommends that organic material **NOT** be accepted until the spring of 2022.

CleanBC Organics Infrastructure and Collection Program (OCIP)

In February 2021, the Regional District of Central Kootenay submitted a grant funding application on the Town's behalf through the CleanBC Organics Infrastructure and Collection Program.

The OCIP will support communities throughout BC, by investing in residential organic waste collection programs. The Province will contribute of up to 2/3rds of eligible project costs with the RDCK covering the 1/3rd contributing cost for organic curbside collection bins, kitchen catchers, and educational material costs. Total funding, for Creston, under this program is approximately \$75,000.

Updates from the Province indicate that announcement of the successful grant recipients won't be made until July 2021, at the earliest.

Any spending of funds prior to announcement cannot be claimed for reimbursement under the OCIP.

Bin Purchase

Although it is possible for Creston to purchase the necessary bins for both kitchen scraps (funded through OICP) and recycling (Town funded) there is a benefit to wait for Castlegar and Nelson in anticipation that the combined purchasing power of all three communities will result in lower costs.

Covid 19 related impacts are not know but they are expected to effect procurement schedules/ pricing.

Castlegar is targeting a May 2022 launch for their curbside organic program. Nelson's schedule is unknown at this time but it is expected to be in 2022.

STAFF BRIEFING NOTE

Town of Creston

CURRENT SITUATION:

Table 1 summarises critical path program tasks, their milestone dates, status and provides comment on activities leading up to the launch of an Enhanced Curbside Program in Creston:

Table 1

| Task | Commencement Date(s) | Status for Fall 2021 Launch | Comments |
|---|---|-----------------------------|---|
| Phase 2 Community Consultation | May – August 2021 | On schedule | No delays expected Phase 2 includes further outreach on residential yard waste options |
| Creston Landfill Composting Facility | June – October 2021 | Recommended Delay | There is no anticipated delay with construction but commissioning an organic collection facility mid winter is not desirable The RDCK recommends that this facility start receiving organics for the first time in Spring 2022 |
| Recycle BC On-Boarding | May – August 2021 | Potential Delays | Outreach activates with multi-family units is still required. This may result in a 4 -6 week delay (minor). Recycle BC has been consulted and they are comfortable delaying the launch into 2022 |
| Equipment Delivery (Split Body Truck) | Nov 25 – Dec 5 th 2021 | Minor Delay expected | Options are available but these may impact the efficiency of roll-out, add to program costs and negatively influence initial acceptance of the new program by the community |
| OICP Grant announcement | July 2021 | Potential Delay | At this time we are being advised that the Province will make an announcement in July but recent experience has shown these dates have been exceeded by as much as 6 months |
| Bin Purchase | Following OICP announcement | Delay Expected | Procurement can't commence until announcement of the OICP Grant is made. Furthermore, waiting until Castlegar and Nelson move to procure bins in 2022 could potentially save costs |
| Phase 3 – Community Information & Resources | Following the confirmation of a Launch Date | Delay Expected | Funding for this task is from the OICP Grant so preparation can't occur prior to an announcement. Much of the information material and resources will be provided by the RDCK so, although it's possible to have resources prepared specifically for Creston, full potential will be realized if Ph. 3 can be coordinated with Castlegar and Nelson |
| Utility Bill – Solid Waste Collection | Fall 2021 | N/A | The 2021 Utility Rate for solid waste collection has been set and reflects a 2 month transition period in 2021. Deferral into 2022 will not impact this as the money would be committed to the Garbage Service and available to offset expenses when they arise. Benefit of deferral would be, the availability of funds for bin procurement and a longer period before full program costs are charged to residents |

STAFF BRIEFING NOTE

Town of Creston



KEY CONSIDERATIONS:

Spring 2022 Launch

Deferral into 2022 allows additional time to ensure that all tasks are fulfilled in an acceptable manner and offers additional time for the community to build acceptance and comfort with the new service level being proposed.

Fall 2021 Launch

If the Town were to proceed with a fall 2021 Launch a number of, currently, uncertain tasks would have to fall into place.

The potential for the process to become derailed is high, as is the potential of encountering unforeseen service delivery costs.

A rocky start to the program could negatively impact the community's perception of the enhanced service and potentially impact the communities waste reduction goals.

OPTIONS FOR FOLLOW-UP ACTION:

Option 1 – Direct Staff to delay the launch of the Enhanced Curbside Collection Program into 2022.

Option 2 – Direct Staff to continue with planning for a Fall 2021 launch of the Enhanced Curbside Collection Program.

Option 3 – Direct Staff to investigate other options for the timing of the Enhanced Curbside Collection Program launch.

Submitted
by:

Colin Farynowski, Manager of Engineering

Reviewed by: CAO

Michael Moore, CAO

COUNCIL DIRECTION REQUEST (CDR)

Town of Creston



ACTION DATE: April 20, 2021

SUBJECT: OCP/Zoning Amendment Application 01/21 (1152 - Highway 21 North)

SUGGESTED FOLLOW-UP ACTION: THAT the Council Direction Request from the Director of Community Services regarding proposed amendments to Zoning Bylaw No. 1123, 1989, and Official Community Plan Bylaw No. 1854, 2017, be received; AND FURTHER, THAT Council refer to staff for further consultation with the applicant with respect to noted concerns with the application.

CAO COMMENTS:

BACKGROUND

Staff Briefing Note:

Attached ☒

Available ☐

Nil ☐

1. DEFINE THE TOPIC

KEY INFORMATION: Tyler Friesen (the applicant) on behalf of The Church of God in Christ, (Mennonite) (Creston), Inc. No. S34604 (the owner) requests consideration of amending *Zoning Bylaw No. 1123, 1989*, to rezone the western portion of 1152 Highway 21 North, legally described as Lot 1, District Lot 9554, Kootenay District, Plan EPP11124 (PID: 028-563-212) from Single Family Residential (R-1) to Community Use (P-1), and to amend the Land Use Designation of the subject area from Rural Residential to Institutional in *Official Community Plan Bylaw No. 1854, 2017, Schedule "A"*. These amendments would allow for development of a new parking area adjacent to a proposed new church building (note that the proposed new church is planned to be located within the current P-1 zoned portion of the property).

RELEVANT OBSERVATIONS: The proposal does not align with the Institutional Land Use Policies of the OCP, however a portion of the property is currently zoned P-1 with existing use as a combined church and private school. An increase in traffic is not expected in the area as a result of the proposed amendments. The Manager of Engineering has noted that at this time, the property does not have adequate water supply to support increased institutional fire flows which would result with an expanded institutional use.

STRATEGIC QUESTIONS: Does Council agree with the proposed expansion of the P-1 Zone on this property to allow for a new parking area for a new church and private school, and/or other future institutional uses?

ESSENTIAL QUESTION: Does Council want Staff to draft the relevant bylaw amendments for Council's consideration?

2. DETERMINE DESIRED OUTCOMES if the essential question is addressed.

KEY RESULT: Rezone the western portion of 1152 Highway 21 North from R-1 to P-1.

DESIRED BENEFITS OF KEY RESULT: N/A

REQUISITES: Informal Public Informational Meeting, Public Hearing, adoption of relevant bylaws.

UNINTENDED OUTCOMES: Reduced land availability for future residential use.

3. EXPLORE RESPONSE OPTIONS to achieve the key result (Pros & Cons)

| | |
|----|---|
| 1. | Council direct staff to draft the relevant Zoning Amendment Bylaw and Official Community Plan Amendment Bylaw to be presented for Council's consideration and 1 st and 2 nd readings. |
| 2. | Council refer to staff for further consultation with the applicant with respect to noted concerns with the application. |
| 3. | Council reject the application. |
| 4. | Other, as per Council direction. |

Submitted by:

Ross Beddoes, DCS

Reviewed by:

CAO

Michael Moore, CAO

STAFF BRIEFING NOTE

Town of Creston

DATE: 4/20/2021

TO: Michael Moore, Chief Administrative Officer

CC: Joel Comer, Municipal Services Coordinator

FROM: Ross Beddoes, Director of Community Services

DEPARTMENT: Community Services

SUBJECT: OCP/Zoning Amendment Application 01/21 (1152 – Highway 21 North)

APPENDIX: ☒ ATTACHED ☐ OTHER DOCUMENT ☐ NOT APPLICABLE

PURPOSE / ISSUE:

This briefing note evaluates an application from Tyler Friesen (the applicant) on behalf of The Church of God in Christ, (Mennonite) (Creston), Inc. No. S34604 (the owner), requesting Council's consideration of amending Zoning Bylaw No. 1123, 1989 and Official Community Plan Bylaw No. 1854, 2017 to allow for the development of a parking lot adjacent to a proposed new church building (anticipated to be located in the existing P-1 zoned portion of the property). The proposal would affect only the western portion (see fig. 2 & 3 below) of the property located at 1152 – Highway 21 North, legally described as Lot 1, District Lot 9554, Kootenay District, Plan EPP11124 (PID: 028-563-212). The proposal would amend the OCP Land Use Designation from Rural Residential to Institutional, and rezone the western portion of the property from Single Family Residential (R-1) to Community Use (P-1).

BACKGROUND:

The 4.7ha (11.6ac) subject property is located on the east side of Highway 21 North, but is accessed from Hilton Street. The property has 125m of frontage on Highway 21 North. The gravel access driveway off Hilton Street is 13m wide and 129m long, with easements in place for access to adjacent residences at 1214 and 1210 Highway 21 North.

Zoning of the developed school/church area on the property is currently P-1, with R-1 in the undeveloped areas to the east and west (see fig 3). The current OCP Land Use Designation is Rural Residential (see fig 4). The property is located outside of the Residential Growth Containment Boundary.

| Direction from Subject Property | Land Use Designation | Zone |
|---------------------------------|--|---|
| North | Rural Residential (RR) | Single Family Residential (R-1) |
| South | Commercial – Highway Service (CHS) Residential (RES) | Highway Service Commercial (HSC) Single Family Residential (R-1) Multi-Family Residential (R-3) |
| East | Rural Residential (RR, east portion of subject property) Rail Corridor (RC) | Single-Family Residential (R-1, east portion of subject property) |
| West | Highway 21 (out of Town boundary) | Highway 21 (out of Town boundary) |

Fig 1. Land Use Designation and Zoning of neighbouring properties.

STAFF BRIEFING NOTE

Town of Creston

The primary building on the property serves dual purposes as a church and private school. The only other structure on the property is a small storage shed located adjacent to the primary building. The grounds include a basketball court, baseball diamond and playground.

The property generally slopes from east to west with a total elevation change of approximately 45m (see fig 5), with the higher eastern portion of the property being forested and the lower western portion of the property being maintained grass used primarily as a play area (see fig 2).

CURRENT SITUATION:

The applicant has applied for an Official Community Plan and Zoning Amendment to allow for the development of a parking lot in the western area of the property currently zoned R-1 (see Appendix B). The remainder of the rezoned area would continue to be used primarily as a play area. The Zone and Land Use Designation of the forested western portion of the lot would remain unchanged.

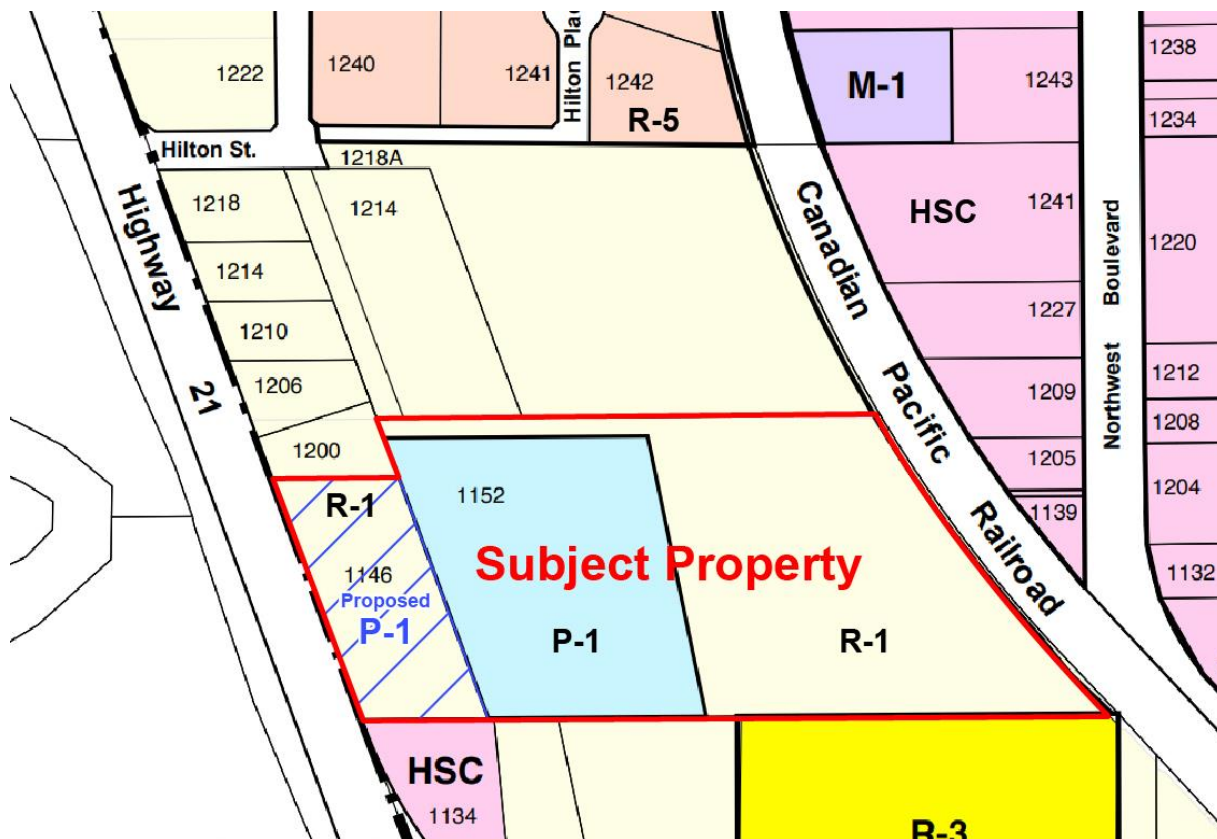


Fig 2. Zoning of Subject Property and surrounding area, including proposed area of rezoning.

STAFF BRIEFING NOTE

Town of Creston

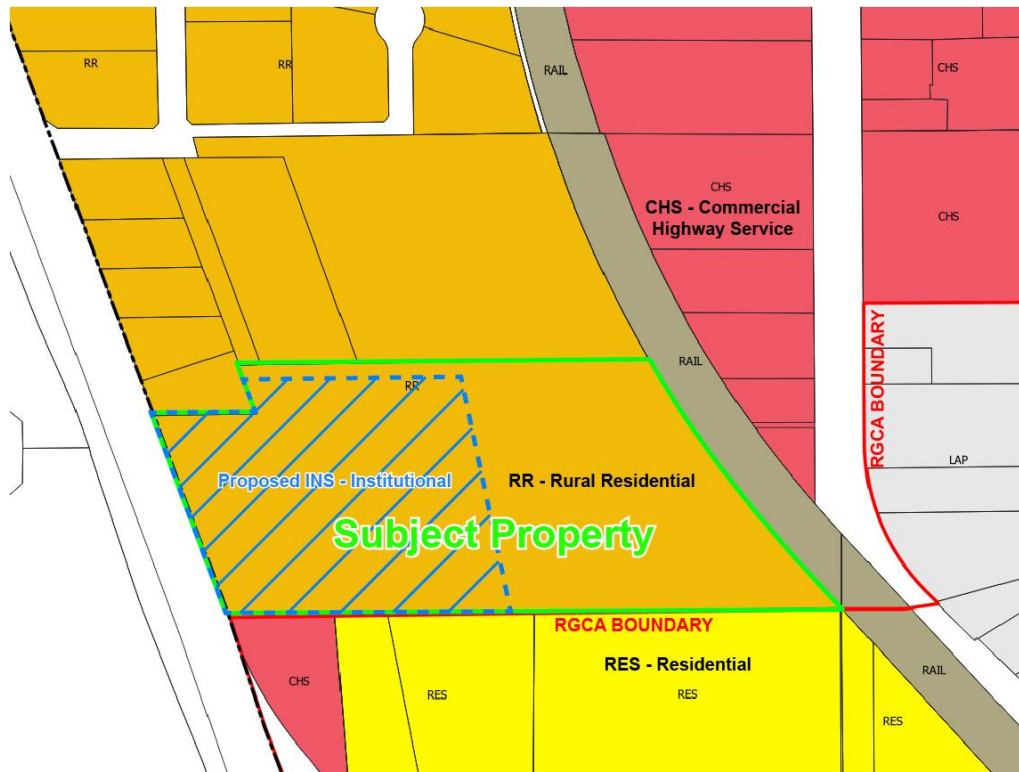


Fig 3. Land Use Designation of Subject Property and surrounding area, including proposed Land Use Designation change.



Fig 4. 2017 Orthophoto of Subject Property and surrounding area.

STAFF BRIEFING NOTE

Town of Creston

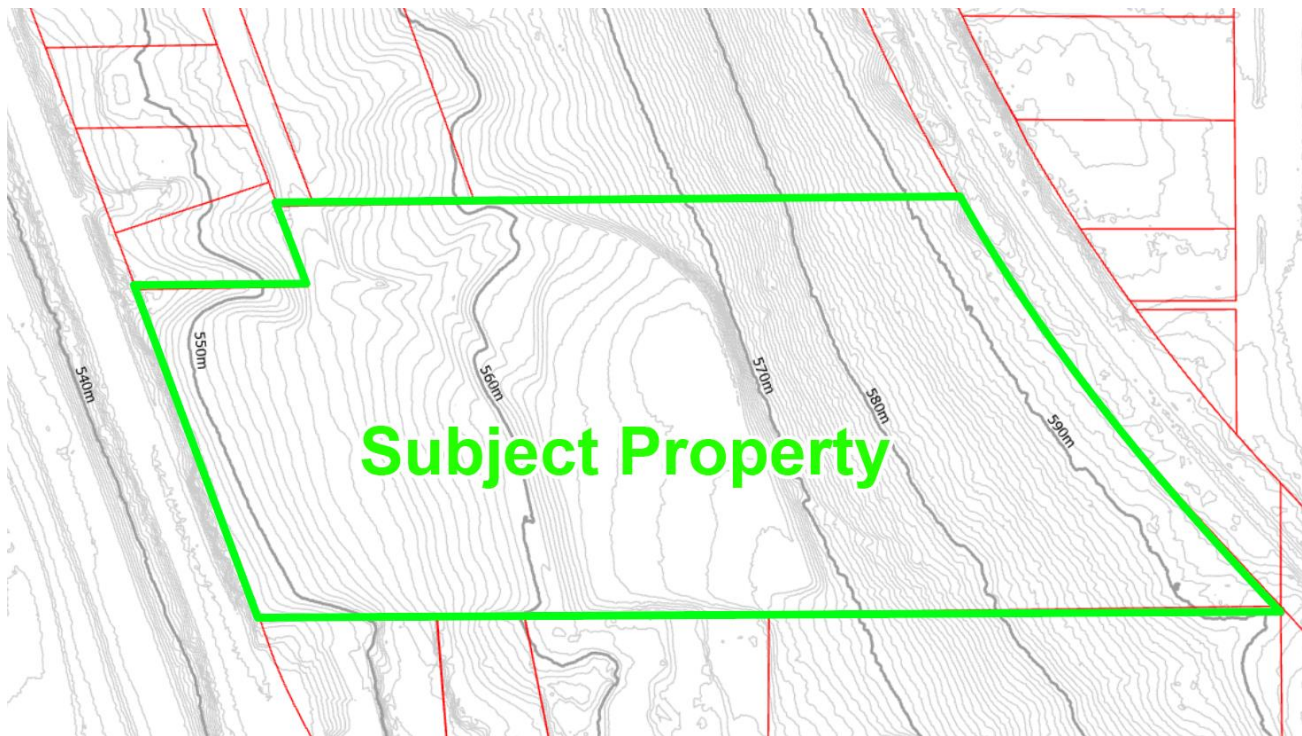


Fig 5. 50cm elevation contours of subject property.

KEY CONSIDERATIONS:

Official Community Plan Bylaw No. 1854, 2017

V. Land Use Policies, E. Institutional, 1.1 – Consider Religious Institutional uses in areas designated as Residential within the Residential Growth Containment Area (RGCA).

Note: The subject area is designated as Rural Residential and is not within the RGCA. However, a portion of the property is currently zoned P-1, with an existing religious institutional use.

V. Land Use Policies, E. Institutional, 1.2 – Encourage Institutional development to be compatible with the surrounding neighbourhood, particularly in Residential Areas.

V. Land Use Policies, E. Institutional, 1.4 – Encourage the grouping of Institutional uses within walking distance of the Downtown Core or the Creston Valley Mall.

Zoning Bylaw No. 1123, 1989

Assembly use (including churches) and schools are not permitted uses in the R-1 Zone, but are permitted in the P-1 Zone. Parking lots are also not a permitted use in the R-1 Zone, but are permitted in the P-1 Zone.

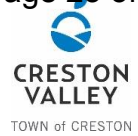
Comments of the Manager of Engineering

"After review of this proposed zoning amendment, it is worth noting that this area does not currently have water supply capabilities to support a zoning change to an Institutional land use.

The fire flow requirements for Institutional Zoning is 150L/sec (Bylaw # 1170).

STAFF BRIEFING NOTE

Town of Creston



This area was initially developed for single family residential use and a change to institutional shouldn't be considered until additional engineering assessment and any off-site upgrades (if possible and/or as required) have been addressed.

The cost for 3rd party engineering review of options and the undertaking of any off-site improvements, that may be necessary to ensure that water supply is sufficient to support institutional land use, should be at the expense of the applicant."

Applicant reasons and comments in support of the application (see Appendix "B")

"Due to the topographical lay of the land, the site for the proposed church building is located near this portion of land, and so for parking area, we need to zone this to P1 to accommodate that usage."

OPTIONS FOR FOLLOW-UP ACTION:

1. Council direct staff to draft the relevant Zoning Amendment Bylaw and Official Community Plan Amendment Bylaw to be presented for Council's consideration and 1st and 2nd readings.
2. Council refer to staff for further consultation with the applicant with respect to noted concerns with the application.
3. Council reject the application.
4. Other, as per Council decision.

Submitted by:

A handwritten signature in black ink, appearing to read "R. Beddoes".

Ross Beddoes, DCS

Reviewed by:

CAO

Michael Moore, CAO

Appendix 'A' – Site Photos



Photo of property from North driveway facing Southwest



Photo of property from North driveway facing West



Photo of property from North driveway facing Southeast



Photo of Northwest property pin from Northwest facing South



Photo of Southwest property pin from Southwest facing North



Photo of Southwest property pin from Southwest facing Northeast



Photo of property from Southwest facing East



Photo from South facing Northwest showing site of proposed new building and parking (centre)



Photo from South facing West along property line showing ball diamond



Photo from South facing North showing existing school/church building



Photo from site centre facing West, showing proposed building/parking area (centre-left)



Photo of driveway from South facing North

Schedule "A-3"
to Bylaw No. 1388
Page 1 of 4

TOWN OF CRESTON
OFFICIAL COMMUNITY PLAN AND
ZONING AMENDMENT APPLICATION
APPLICATION NO. R- 01-21

File: 3360.20.21.01

MAR 18 2021

Action: DCS, HSC

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION. PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED UNDER THE **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT** AND WILL BE USED ONLY FOR THE PURPOSE OF PROCESSING YOUR APPLICATION.

This form is to be completed in full and submitted with all requested information to the Town of Creston, P.O. Box 1339, 238 10th Avenue, North, Creston, BC V0B 1G0 (Phone: 250.428.2214 or Fax: 250.428.9164)

Registered Owner(s):

Registered Owners' Name(s) CHURCH OF GOD IN CHRIST
MENNONITE

Address [REDACTED] Postal Code [REDACTED]
Telephone: CHURCH Business [REDACTED] Home [REDACTED] Fax [REDACTED]

Applicant:

Applicant's Name TYLER FRIESEN
Address [REDACTED] Postal Code [REDACTED]
Telephone: Business [REDACTED] Home [REDACTED] Fax [REDACTED]

Owner Authorization of Applicant:

As owner(s) of the land described in this application, I/we hereby authorize TYLER
FRIESEN to act as applicant in regard to this Official Community Plan Bylaw and Zoning Amendment Application.

Owners' Signatures:

[Signature]

NOTE:

- (1) A copy of a State of Title Certificate, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application must accompany the application as a proof of ownership.
- (2) An Application Fee as set out in Schedule 'C' (applicable section of which is attached) shall be made payable to the Town of Creston and shall accompany the Application.
- (3) Where the applicant is not the sole registered owner of the land described in this application, the authorization clause, noted above, must be completed and signed by the owner(s).
- (4) A dimensional Sketch Plan drawn to scale showing the parcel(s) or part of the parcel(s) to be redesignated and the location of existing and proposed buildings, structures, uses, access roads, parking, driveways and any screening, landscaping and fences must accompany this application.

I/We TYLER FRIESEN hereby apply for:

1. An amendment to the text of the Town of Creston Official Community Plan Bylaw, as follows:

TO CHANGE THIS PORTION (AS PER ATTACHED
DRAWING) OF PROPERTY FROM RURAL RESIDENTIAL
TO INSTITUTIONAL.

2. An amendment to the text of the Town of Creston Zoning Bylaw, as follows:

TO CHANGE THIS PORTION (AS PER ATTACHED
DRAWING) OF PROPERTY FROM R1 ZONING
TO P1 ZONING

3. An amendment of the community plan/zoning designation of:

- a) Current Legal Description of the Land in Full:

PID: 016-456-114 - BLOCK 90, DISTRICT LOT
9554, KOOTENAY DISTRICT (SEE DRAWING)

- b) Location of the Land (Street Address):

1152 HIGHWAY 21 N.

- c) From Present Community Plan Designation of the Land: RURAL RESIDENTIAL
TO

- d) From Proposed Community Plan Designation of the Land: INSTITUTIONAL

- e) From Present Zoning of the Land: R1

- f) To Proposed Zoning of the Land: P1

- g) Description of the Existing Use/Development of the Land:

CURRENTLY IS LARGELY UNUSED, GRASS
FIELD, OCCASIONALLY USED FOR PLAY AREA

h) Description of the Proposed Use/Development of the Land:

A PORTION TO BE USED FOR PARKING
AREA FOR PROPOSED CHURCH BUILDING
AND THE REMAINDER AS ACCESS AND PLAY AREA

4. Reasons and comments in support of the application (use separate sheet if necessary)

DUE TO THE TOPOGRAPHICAL LAY OF THE LAND, THE
SITE FOR THE PROPOSED CHURCH BUILDING IS
LOCATED NEAR THIS PORTION OF LAND, AND SO FOR
PARKING AREA, WE NEED TO ZONE THIS TO P1 TO ACCOMMODATE
THAT USAGE.

5. General Information

a) Services Currently Existing or Readily Available to the Land (check as applicable)

| Services | Currently Existing | | Readily Available * | |
|-----------------|--------------------|----|---------------------|----|
| | YES | NO | YES | NO |
| Road Access | — | — | ✓ | — |
| Water Supply | — | — | ✓ | — |
| Sewage Disposal | — | — | ✓ | — |
| Storm Drainage | — | — | — | ✗ |
| Hydro | — | — | ✓ | — |
| Telephone | — | — | ✓ | — |

* Readily Available means existing services can be easily extended to the subject property.

b) Proposed Water Supply Method: N/Ac) Proposed Sewage Disposal Method: N/A

d) Do any buildings currently exist on the land?

Yes _____ No ✗ Not at location of rezoning

If yes, please provide a set of scaled drawings including site plans, floor plans, facade (if required), indicating building locations, sizes, heights and other information.

- e) If applicable, please provide plans for the proposed building(s) or addition including site plans, floor plans, facades, indicating location of all buildings, parking layout, facade, size of building and other information that may be required.

6. Neighbouring Tenants

The Municipal Act requires that owners and 'tenants in occupation' of the subject parcel and of neighbouring parcels be notified of the application for a community plan amendment. As it is not possible for the Town to be aware of the names and mailing addresses of all tenants, the applicant shall supply, at the time of submission of this application, a full list of all tenants of each parcel any part of which lies within 60 metres (197 feet) of any parcel involved in the permit application not currently owned by the applicant.

For most purposes, "tenant" means one who is qualified to maintain an action for trespass, but it can also mean a person who occupies publicly owned land. Please print the tenants names and their mailing addresses on a separate sheet and attach to this application. It is not necessary to supply names of owners of property currently occupied by someone else, this will be done by the Town.

I/We hereby declare that all statements and information contained in the material submitted in support of this application are to the best of my/our belief true and correct in all respects.

Applicant's Signature and/or _____
Owner's Signature

Dated this 10 day of March, 2021.

PLEASE ENCLOSE OCP AMENDMENT AND REZONING APPLICATION FEE AS PER THE CURRENT TOWN OF CRESTON'S FEES AND CHARGES BYLAW.

FOR OFFICE USE ONLY

| | |
|---|---|
| Folio No. <u>5205.200</u> | Certificate of Title No. <u>PID 028-563-212</u> |
| Conforming Use? | Non-Conforming Use? |
| Conforms to Official Community Plan? | |
| Comments of Technical Planning Committee: _____ | |
| _____ | |
| _____ | |
| _____ | |

| | |
|---------------------------|-----|
| PROPERTY LINE | --- |
| 3m PROPERTY SETBACK LINE | --- |
| EXISTING SRW / EASEMENT | --- |
| EXISTING P1 ZONE BOUNDARY | --- |
| EXISTING WATER LINE | --- |
| EXISTING SANITARY LINE | --- |

#196 Baker Street
Nelson BC
V1L 4G9
250 354 4445
coverac.ca

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CONSULTANTS

CLIENT

| REVISIONS | Number | Description | Date |
|-----------|--------|-------------|------|
|-----------|--------|-------------|------|

SHEET
SITE PLAN



COUNCIL DIRECTION REQUEST (CDR)

Town of Creston



ACTION DATE: April 20, 2021

SUBJECT: Town of Creston Election Bylaw

SUGGESTED FOLLOW-UP ACTION: THAT the Council Direction Request from the Corporate Officer regarding revisions to the Town of Creston Election Bylaw, BE RECEIVED; AND FURTHER, THAT Council DIRECTS staff to revise General Local Government and Voting Machine Authorization Bylaw No. 1785.

CAO COMMENTS:

BACKGROUND

Staff Briefing Note:

Attached ☐

Available ☐

Nil ☐

1. DEFINE THE TOPIC

KEY INFORMATION: Election Bylaws are required to establish election and assent voting procedures. For an Election Bylaw to apply to a by-election, Council must adopt it at least 42 days before the first day of nomination period (LGA S56). General Local Government and Voting Machine Authorization Bylaw No. 1785 was adopted by Council in 2013 and requires updating to reflect revisions to the *Local Government Act*. At this time, staff is seeking Council direction on updating the bylaw to adopt the Provincial Voters List as the Town of Creston's list of resident electors. Historically the Town has maintained its own list of resident and non-resident property electors.

RELEVANT OBSERVATIONS: Maintaining a list of resident and non-resident property electors takes considerable staff time and resources. Adopting the Provincial Voters list may result in a more accurate and up to date register of electors.

STRATEGIC QUESTIONS: Does Council wish to update the Town's Election Bylaw?

ESSENTIAL QUESTION: Does Council wish to adopt the Provincial Voters List by bylaw?

2. DETERMINE DESIRED OUTCOMES if the essential question is addressed.

KEY RESULT: Adoption of the Provincial Voters List by Bylaw in the Town of Creston's Election Bylaw.

DESIRED BENEFITS OF KEY RESULT: Access to an up-to date register of electors for the Town of Creston.

REQUISITES: The Provincial Voters list must be adopted by bylaw and can be included in Town of Creston's Election Bylaw.

UNINTENDED OUTCOMES: N/A

3. EXPLORE RESPONSE OPTIONS to achieve the key result (Pros & Cons)

| | |
|----|---|
| 1. | Council DIRECTS staff to update the Elections Bylaw and bring it forward for Council consideration. |
| 2. | Council DIRECTS Staff to leave the Elections Bylaw as is (status quo). |
| 3. | Other as per Council request. |

Submitted by:

Kirsten Dunbar

Kirsten Dunbar, CO

Reviewed by:

CAO

Michael Moore, CAO

Town of Creston

Bylaw No. 1785

A bylaw to provide for the determination of various procedures for the conduct of local government elections and other voting, and for the use of automated voting machines.

WHEREAS under the *Local Government Act*, Council may, by bylaw, determine various procedures and requirements to be applied to the conduct of local government elections and other voting; and by bylaw, provide for the use of automated vote tabulation machines;

AND WHEREAS Council of the Town of Creston wishes to establish voting procedures and requirements under that authority;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as “General Local Government Election and Voting Machine Authorization Bylaw No. 1785, 2013”.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

- 3.1 Town of Creston Bylaw No. 1754, cited as “General Local Government Election Bylaw No. 1754, 2011” and all amendments thereto, are hereby repealed.

Part 4 Definitions

- 4.1 In this *Bylaw* unless the context otherwise requires:

“Acceptable Mark” means a completed *ballot* mark which the voting tabulation unit is able to identify, or an “x” or “✓” with no other markings which could be identifiable for a *traditional ballot*, made by an *elector* in the space provided on the *ballot* or *traditional ballot*.

“Automated Vote Tabulation System” means a system that counts and records votes and processes and stores *election* results and is comprised of the following:

- a) One or more *vote tabulation units* which rests on, or is attached to a ballot box;
- b) One or more *portable ballot boxes* into which voted *ballots* are deposited when a *vote tabulation unit* is unavailable, and counted after the close of voting on general voting day; and

- c) A computerized system designed to count and record votes marked on *ballots*; and store the data generated by each *vote tabulation unit*.

“Ballot” means a single automated or *traditional ballot* card which contains the names of the *election* candidates as well as all other choices on all of the *other voting* questions on which the opinion or ascent of the *electors* is sought.

“Ballot Return Override Procedure” means the use, by the *Chief Election Officer* or Deputy Chief Election Officer, of a device on a *vote tabulation unit*, which causes the unit to accept a returned ballot.

“Chief Election Officer” means the *election* official appointed under Section 41(1) of the *Local Government Act*, to conduct the *General Local Election*.

“Curbside Voting” means a voting opportunity based on a request made to the *Chief Election Officer* and/or Deputy Chief Election Officer for a mobile voting station to be brought outside the place of voting so that *elector(s)* may vote from within their vehicle(s).

“Election” means an election for the number of persons required to fill a local government office.

“Elector” means a resident elector or non-resident property owner of the Town of Creston as defined under the *Local Government Act*.

“Emergency Ballot Compartment” means one of two separate compartments in the ballot box under each *vote tabulation unit* into which voted *ballots* are temporarily deposited in the event that the *vote tabulation unit* ceases to function or not properly functioning.

“General Local Election” means the *election* held for the Mayor and all Councillors of the *municipality*, every third year from 1993 forward or as set out in the *Local Government Act*.

“Manual Voting and Vote Counting Process” means a voting and vote counting process that involves using separate *traditional ballots* that contain the names of the election candidates as well as all other choices on all of the *other voting* questions on which the opinion or ascent of the electors is sought; after being completed by the *elector* they are inserted into the ballot box and manually counted by elections officials.

“Memory Pack” means a computer software cartridge which plugs into the *vote tabulation unit* to record and retain information and results; into which is pre-programmed information including the names of all the candidates for the positions of Mayor and Councillor and the alternative “yes” or “no” responses for each *other voting* matter on which the opinion or ascent of the *electors* is sought.

“Municipality” means the body incorporated as the Town of Creston and the *Town’s* territorial jurisdiction, according to its context in this *Bylaw*.

“Officer” means, for the purpose of *this Bylaw*, the officer positions appointed by *Council* and identified in the current Officers and Employees Bylaw for the *Town*, those being the *Town Manager*, Executive Assistant and Director of Finance and Corporate Services for the Town of Creston.

“Other Voting” means voting on a matter referred to in Section 158 of the *Local Government Act* and includes voting on a referendum, as directed under the *Local Government Act*.

“Portable Ballot Box” means a ballot box which is used to cast *ballots* during the *election*, where a *vote tabulation unit* is unavailable for use. The *Portable Ballot Box* is used for special voting opportunities where a *vote tabulation unit* is unavailable or impractical.

“Register Tape” means the printed record generated from a *vote tabulation unit* at the close of voting on general voting day, which shows the number of votes cast for each candidate for the offices of Mayor and Councillor, and the number of votes for and against each *other voting* matter on which the opinion or ascent of the electors is sought.

“Returned Ballot” means a voted *ballot* which was inserted into the *vote tabulation unit* but was not accepted, being returned to the *elector* with an explanation of the *ballot* marking error; allowing the *elector* to either re-submit a new *ballot* or to allow the *vote tabulation unit* to accept the *ballot* in its current state (*Ballot Override Procedure*).

“Secrecy Sleeve” means an open-ended folder or envelope used to cover *ballots* in order to conceal the choices made by each *elector*.

“This Bylaw” means General Local Government Election and Voting Machine Authorization Bylaw No. 1785, 2013.

“Traditional Ballot” means a paper ballot that is only used as part of a *manual voting and vote counting process*.

“Town” means the Town of Creston.

“Vote Tabulation Unit” means a machine used as part of an *Automated Vote Tabulation System* to scan each *ballot* and record the number of votes for each candidate and for and against each other voting question.

Part 5 Advance Voting

- 5.1 Advance Voting for the Town of Creston shall be held on the 10th and 17th days before General Voting Day, pursuant to Section 97(2) of the *Local Government Act*, between the hours of 8:00 a.m. and 8:00 p.m.
- 5.2 Advance Voting shall be conducted in accordance with the procedures contained in *this Bylaw* so far as applicable.
- 5.3 If an *Automated Vote Tabulation System* is used;
 - 5.3.1 At the close of voting on each Advance Voting Day, any remaining ballots in the *emergency ballot compartment* and *portable ballot box* shall be inserted into the *vote tabulation unit* by the *Chief Election Officer* or Deputy Chief Election Officer as soon as possible, under the supervision of the *Chief Election Officer*, Deputy Chief Election Officer or *Officer*.
 - 5.3.2 At the end of each Advance Voting Opportunity, the presiding election official shall ensure that the *vote tabulation unit*, including the *emergency ballot compartments*, memory card and *portable ballot box*, is secured, sealed and returned along with all other election materials to the custody of the *Chief Election Officer*.
- 5.4 If an *Automated Vote Tabulation System* is not used by the Town of Creston, Advance Voting shall be conducted by using a *manual voting and vote counting process* or another means as decided by the *Chief Election Officer* or Deputy Chief Election Officer and authorized by the *Local Government Act*.

Part 6 Special Voting Opportunities

- 6.1 To give electors who may otherwise be unable to vote an opportunity to do so, the Council for the Town of Creston will provide Special Voting Opportunities as authorized under Section 99 of the *Local Government Act* and authorizes the *Chief Election Officer* to establish special voting opportunities for each election, and to designate the location, the date and the voting hours within the limits set out in the *Local Government Act*.
- 6.2 Resident electors and non-resident property electors who are employed at, or provide services to, or who are in attendance for the purpose of visiting persons who reside at or who are registered as in-patients or out-patients at the locations established by the *Chief Election Officer* may vote at such locations; however, such locations shall not be available for general voting purposes;
- 6.3 Special Voting Opportunities shall be conducted in accordance with the procedures contained in *this Bylaw* as far as applicable.
- 6.4 If an *Automated Vote Tabulation System* is used;
- 6.4.1 Unless the *Chief Election Officer* determines it is practical to use a vote tabulating unit, a *portable ballot box* shall be used for all Special Voting Opportunities.
- 6.4.2 Once the *elector* has completed his or her *ballot*, it shall be deposited into the *portable ballot box* supplied by the presiding election official.
- 6.4.3 At the end of each Special Voting Opportunity, the presiding election official shall ensure that the *portable ballot box* is secured, sealed and returned along with all other election materials to the custody of the *Chief Election Officer* or Deputy Chief Election Officer.
- 6.5 If an *Automated Vote Tabulation System* is not used by the Town of Creston, Special Voting Opportunities shall be conducted by using a *manual voting and vote counting process* or another means as decided by the *Chief Election Officer* or Deputy Chief Election Officer and authorized by the *Local Government Act*.

Part 7 Mail Ballot Voting

- 7.1 As authorized under Section 100 of the *Local Government Act*, voting and registration may be done by mail for those electors who meet the criteria in Part 7 for each election or *other voting*. The following qualified *electors* are permitted to register to vote by mail and to vote by mail ballot:
- a) Those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; and,
 - b) Persons who expect to be absent from the Town of Creston on General Voting Day and at the times of all Advance Voting Days.
- 7.2 The following procedures for voting and registration must apply:
- a) Sufficient record will be kept by the *Chief Election Officer* or Deputy Chief Election Officer so that challenges of the *elector's* right to vote may be made in accordance with the intent of Section 116 of the *Local Government Act*; and,

- b) A person exercising the right to vote by mail under the provisions of Section 100 may be challenged in accordance with, and on the grounds specified in Section 116 of the *Local Government Act*, until 4:30 p.m. two days before General Voting Day.

7.3 After marking the *ballot*, the *elector* must do the following:

- a) Place the *ballot* in the *secrecy sleeve* or envelope provided, and then seal the *secrecy sleeve* or envelope;
- b) Place the *secrecy sleeve*/envelope inside the certification envelope, together with a completed *elector* registration application, if required, in an outer envelope, and then seal the outer envelope before mailing or delivering the entire package to the *Chief Election Officer* or Deputy Chief Election Officer (as permitted by Section 100 of the *Local Government Act*).

7.4 The time limits in relation to voting by mail *ballot* will be determined by the *Chief Election Officer* or Deputy Chief Election Officer in accordance with the *Local Government Act*.

7.5 As provided in the *Local Government Act*, a mail *ballot* must be received by the *Chief Election Officer* or Deputy Chief Election Officer before the close of voting on General Voting Day in order to be counted for an *election*, and it is the obligation of the person applying to vote by mail *ballot* to ensure that the mail *ballot* is received by the *Chief Election Officer* or Deputy Chief Election Officer within this time limit.

7.6 If an *Automated Vote Tabulation System* is used; upon receipt of the mail *ballot*, the *ballot* must not be inserted in a *portable ballot box* until 8:00 p.m. on General Voting day, after which time the *Chief Election Officer* or Deputy Chief Election Officer shall, in the presence of at least one other election official, enter the *ballot* into the *vote tabulation unit* to be counted.

7.7 If an *elector* unintentionally spoils a mail *ballot*, the *elector* may, prior to 8:00 p.m. on General Voting Day, return the spoiled ballot package in its entirety to the *Chief Election Officer* or Deputy Chief Election Officer and receive a replacement *ballot*.

7.8 If an *elector's* right to vote using a mail *ballot* is challenged, the *Chief Election Officer* or Deputy Chief Election Officer will then proceed according to Section 116 of the *Local Government Act*.

7.9 If the *Chief Election Officer* or Deputy Chief Election Officer determines that another person has already voted or received a mail *ballot* in the name of an *elector* who wishes to vote, the *Chief Election Officer* or Deputy Chief Election Officer will proceed according to Section 117 of the *Local Government Act*.

7.10 If an *Automated Vote Tabulation System* is not used by the Town of Creston, Mail Ballot Voting shall be conducted by using a *manual voting and vote counting process* or another means as decided by the *Chief Election Officer* or Deputy Chief Election Officer and authorized by the *Local Government Act*.

Part 8 Use of Automated Vote Tabulation System

8.1 The conduct of a *General Local Election*, by-election and any *other voting or election* by use of an *automated vote tabulation system* is hereby authorized by the Town of Creston as per Section 102(1) of the *Local Government Act*.

Part 9 Automated Voting Procedures

- 9.1 A designated election official shall, before the *ballot* is issued, offer and if requested, provide or direct another election official to provide a demonstration to an *elector* of how to use an *automated vote tabulation system* for the purpose of voting. This demonstration may take place at any of the following locations:
- a) The voting location on General Election Day;
 - b) The voting location on Advanced Voting Day; and,
 - c) Any Special Voting Opportunity location.
- 9.2 Upon completion of the voting demonstration (if conducted), the *elector* shall proceed to an election official that is responsible for issuing *ballots*; a *ballot* along with a *secrecy sleeve*, if requested, will be issued once the *elector* completes the voting book as required by the *Local Government Act*, and is deemed qualified to vote in the *election*.
- 9.3 Once given a *ballot*, the *elector* shall proceed to a voting compartment to vote.
- 9.4 The *elector* may vote only by making an *acceptable mark* on the *ballot* beside the name of each candidate of choice up to the maximum number of candidates to be elected for the offices of Mayor, Councillor, School Trustee and, if necessary, beside either “yes” or “no” in the case of a referendum or other question.
- 9.5 Once the *elector* has completed marking the *ballot*, the *elector* must place the *ballot* into a *secrecy sleeve* (if applicable) and proceed to the *vote tabulation unit* where, under the supervision of an election official, the *elector* must insert the *ballot* directly from the *secrecy sleeve* (if applicable) into the *vote tabulation unit* without the *acceptable marks* on the *ballot* being exposed.
- 9.6 The *elector* may request a replacement *ballot* by advising an election official under the following circumstances:
- a) The *elector* determines that he or she has made a mistake when marking the original *ballot*; or
 - b) The original *ballot* was returned by the *vote tabulation unit*.
- 9.7 Once requested, the election official shall issue a replacement *ballot* to the *elector*, mark the returned *ballot* “spoiled” and keep the “spoiled” *ballots* separate from all other *ballots*, not counting them in the *election*.
- 9.8 If the original *ballot* is returned by the *vote tabulation unit* and the *elector* declines the opportunity to complete a replacement *ballot*, the original *ballot*, provided it has not been damaged to the extent where it cannot be reinserted into the *vote tabulation unit*, shall be reinserted into the *vote tabulation unit* and the *ballot return override procedure* will be used to count any *acceptable marks* that have been correctly made.
- 9.9 The *elector* must remain in the voting place until the *ballot* has been inserted and accepted by the *vote tabulation unit*.
- 9.10 Subject to the results of any judicial recount that may take place, all *acceptable marks* counted by the *vote tabulation unit* are valid and will be counted in the *election*.

-
- 9.11 If a *vote tabulation unit* is not functioning, the election official supervising the unit shall insert all *ballots* completed by *electors* into either the *emergency ballot compartment* or the *portable ballot box*, to be reinserted into the *vote tabulation unit* as soon as possible, under the supervision of the *Chief Election Officer* or Deputy Chief Election Officer.
- 9.12 At the end of General Voting Day, all remaining *ballots* or *ballots* which are temporarily stored in the *emergency ballot compartment* or *portable ballot box* shall be, at the earliest time, inserted into the *vote tabulation unit* by the *Chief Election Officer* or Deputy Chief Election Officer as soon as possible, under the supervision of the *Chief Election Officer* or Deputy Chief Election Officer.
- a) Any *ballots* returned by the *vote tabulation unit* shall be subject to the vote override procedure and, under the supervision of the *Chief Election Officer* or Deputy Chief Election Officer, will be re-inserted into the *vote tabulation unit* to ensure that any *acceptable marks* present on the *ballot* will be counted.
- 9.13 At the end of General Voting Day and after the completion of Section 9.12, the *Chief Election Officer* or Deputy Chief Election Officer shall ensure that the *vote tabulation unit* is secured and generate three copies of the register tape from the *vote tabulation unit*.
- 9.14 The *Chief Election Officer* shall also account for and seal all unused, spoiled and voted *ballots* separately along with one copy of the register tape.
- 9.15 The *Chief Election Officer* will then place all other remaining materials in the materials transfer box and secure the box at Town Hall (238-10th Ave. North, Creston, BC).
- 9.16 If an *Automated Vote Tabulation System* is not used by the Town of Creston, all *elections* and *other voting* opportunities shall be conducted by using a *manual voting and vote counting process* or another means as decided by the *Chief Election Officer* or Deputy Chief Election Officer and authorized by the *Local Government Act*.

Part 10 Order of Names on Ballot

- 10.1 The order of candidate names on the ballot shall be alphabetical by surname, pursuant to Section 106 of the *Local Government Act*.

Part 11 Number of Scrutineers at Voting Place

- 11.1 The number of scrutineers permitted to be present at the Advance Voting and Special Voting Opportunities, on behalf of each candidate, shall be one (1).
- 11.2 As authorized under Section 110(3) of the *Local Government Act*, for voting other than a *General Local Election*, the number of scrutineers permitted at the General Voting Place shall be a maximum of two (2) or one per each ballot box in use, if less than two ballot boxes are being used.

Part 12 Recount Procedures

- 12.1 If a recount is required, it shall be conducted under the direction of the *Chief Election Officer* or Deputy Chief Election Officer.
- 12.2 After clearing the *vote tabulation unit's memory pack*, the *Chief Election Officer* or Deputy Chief Election Officer will remove the protective seal from the *ballots* and re-insert all *ballots* into the *vote tabulation unit*; using the *ballot return override procedure* to detect all *acceptable marks* on *ballots* returned by the *vote tabulation unit*.

-
- 12.3 Once all *ballots* have been successfully inserted and processed by the *vote tabulation unit*, three register tapes will be generated from the *vote tabulation unit*.
- 12.4 If an *Automated Vote Tabulation System* is not used by the Town of Creston, a recount of *traditional ballots* shall be manually conducted under the direction of the *Chief Election Officer* or Deputy Chief Election Officer.
- 12.5 If, after the recount, a candidate cannot be declared elected because 2 or more candidates have received an equal number of valid votes, then the *Chief Election Officer* or Deputy Chief Election Officer must refer the *election* to a judicial recount.
- 12.6 In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 141 of the *Local Government Act*.

Part 13 General

- 13.1 *This Bylaw* shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 13th day of August, 2013.

READ A THIRD TIME by title this 13th day of August, 2013.

ADOPTED this 10th day of September, 2013.

"Ron Toyota"

Mayor Ron Toyota

"Bev Caldwell"

Bev Caldwell, Corporate Officer

COUNCIL DIRECTION REQUEST (CDR)

Town of Creston



ACTION DATE: March 16, 2021

SUBJECT: New Policy – Utility Rate Adjustment Policy

SUGGESTED FOLLOW-UP ACTION: THAT the Council Direction Request from the Director of Finance and Corporate Services regarding the new Town of Creston Utility Rate Adjustment Policy, BE RECEIVED; AND FURTHER, THAT Council DIRECTS Staff to bring forward the Utility Rate Adjustment Policy for Council Consideration at an upcoming Regular Meeting of Council.

CAO COMMENTS:

BACKGROUND

Staff Briefing Note:

Attached ☐

Available ☐

Nil ☒

1. DEFINE THE TOPIC

KEY INFORMATION: In the past, utility billing issues have been addressed by amending the current and previous years billing to reflect the accurate rate and collecting or crediting the difference as applicable. This practice applies to situations where utilities have been under billed or over billed. Legal advice suggests that billing for under-payments for more than a year is problematic and could be open to challenge. The draft Utility Rate Adjustment Policy formalizes the current administrative practice to ensure consistent application. This Policy also provides guidance to address situations where a service is used without notifying the Town and therefore not billed to a rate-payer. Staff is seeking Council direction to inform the development of this policy.

RELEVANT OBSERVATIONS: Utility billing issues are infrequent, but can be a source of concern for rate-payers and difficult to administer for Town Staff. Establishing a Council policy may help staff administer utility rate adjustments and ensure the process is clear to rate-payers.

STRATEGIC QUESTIONS: Should the handling of adjustments be put into a policy or left as an administrative practice.

ESSENTIAL QUESTION: Does Council wish to establish a Utility Rate Adjustment Policy?

2. DETERMINE DESIRED OUTCOMES if the essential question is addressed.

KEY RESULT: The development of a policy to guide application of utility rate adjustments.

DESIRED BENEFITS OF KEY RESULT: To ensuring that utility billing issues are resolved in a manner that is consistent.

REQUISITES: Direction to proceed with the new policy.

UNINTENDED OUTCOMES: none known.

3. EXPLORE RESPONSE OPTIONS to achieve the key result (Pros & Cons)

| | |
|----|---|
| 1. | Council Directs Staff to bring forward Utility Rate Adjustment Policy to a future Council Meeting as presented. |
| 2. | Council Directs Staff to bring forward the Utility Rate Adjustment Policy to a future Council Meeting as amended. |
| 3. | Other per Council direction |

Submitted by:

Steffan Klassen

Steffan Klassen, DFCS

Reviewed by:

CAO

Michael Moore, CAO



Town of Creston

COUNCIL POLICY

POLICY: FIN-001-017

Utility Rate Adjustment Policy

PURPOSE To guide the application of utility rate adjustments ensuring that utility billing issues are resolved consistently and that the process is clear to ratepayers.

SCOPE This policy applies to Town of Creston employees.

POLICY

- 1.0 When a utility billing issue is identified Town staff will determine the cause and nature of the issue.
- 2.0 If the utility billing issue is an error the utility rate will be adjusted to the correct rate for the current year and the previous year as follows:
 - 2.1 Where a ratepayer is over billed, the Town will notify the ratepayer and issue a credit reflecting the amount collected in error for the period identified in 2.0. This amount may be credited to the ratepayer's utility account or the ratepayer may request a refund of the credit balance.
 - 2.2 Where a ratepayer is under billed, the Town will notify the ratepayer and issue a charge reflecting the outstanding balance on their utility account for the period identified in 2.0. The ratepayer will receive a bill for the amount owed. The amount for the prior year will be payable upon receipt. The current year amount will be due on December 31 of that year.
- 3.0 If the utility billing issue is identified as theft of a service (e.g., services have been turned on and used without the Town's permission or knowledge) full recovery of the unpaid amount will be pursued and penalties issued pursuant to Bylaw Notice Enforcement Bylaw No. 1760, 2011.

REFERENCE

- *Town of Creston Bylaw Notice Enforcement Bylaw No. 1760, 2011*

POLICY RECORD

Date Approved by Council:

Resolution No. FIN-001-017

Next Review Date:

Policy No:

Last Review Date:

Replaces: N/A

Administrative Review:
