

A NEW FIRE HALL FOR SOUTH QUADRA ISLAND FIRE PROTECTION DISTRICT

**Request to Ministry of
Municipal Affairs for Approval
of Borrowing Bylaw**



**Submitted by South Quadra Island Fire Protection
District October 2024**

Approved January 2025

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Introduction

The South Quadra Island Fire Protection District (Quadra Fire) is requesting approval from the Ministry of Municipal Affairs of a Borrowing Bylaw to borrow up to \$2.9 million to fund the construction of a new Fire Hall on Quadra Island.

The organization proposes to conduct an Alternative Approval Process to seek landowner approval for the borrowing.

The new Fire Hall will replace the current Heriot Bay Fire Hall, which was built in 1970 on leased property without water or septic facilities. Property for the new Fire Hall was acquired in 2021. Approval to borrow funds to purchase that property was achieved through an Alternative Approval Process. The new hall will help to ensure that the fire fighters operate out of a safe, accessible building that is compliant with current building codes and meets the needs of a modern Fire Department.

Background

The South Quadra Island Fire Protection District provides local fire protection and rescue services through the Quadra Island Fire Department.

This local volunteer fire department serves a year-round population of approximately 2,500. The Island's population increases significantly in summer with the arrival of summer residents and short-term visitors, as the Island is a popular tourist destination.

The island is mostly rural, with an area of approximately 310 square kilometers. Fire services are financed by Protection District taxation but are delivered mainly by volunteers.

Quadra Island Fire Department needs to replace its ageing and too-small Heriot Bay Fire Hall #2 with one that meets WorkSafe BC, BC Building Code and seismic standards as well as Fire Code legislative requirements,

reflecting industry best practices such as those published by the National Fire Protection Association. While the current fire hall has provided excellent service and support to the fire department over the past 55 years, it now requires replacement in a new permanent location.

Preliminary designs and detailed costing have been developed and are included in this information package.

To build a new hall, the South Quadra Island Fire Protection District will need to borrow up to \$2.9 million, which it proposes to repay over a term of 20 years. Repayment of this loan will result in an *estimated* tax increase of \$23.50 per \$100,000 of assessed property value annually.

The organization plans to hold an Alternative Approval Process (AAP) beginning early in 2025 to seek property owner consent for the loan. This approach was approved by a resolution of the Protection District Board at a duly held meeting in April 2024.

The AAP will be supported by a comprehensive communications and public engagement strategy designed to ensure that all residents of the service area are aware of the need for a new Fire Hall and of their right to have a say in the borrowing.

About South Quadra Island Fire Protection District

The South Quadra Island Fire Protection District was established in 1960 by a group of citizens concerned about the lack of fire protection in the area. The Volunteer Fire Department has been providing fire protection services ever since. In 1963, the District contracted with what was then known as Cape Mudge Village, and this service continues today with the We Wai Kai Nation.

Since its inception, both the community and our protection responsibilities have expanded dramatically. Dwellings are more complex and greater in

number. National standards for Fire Fighter safety and the insurance industry have increased. New First Responder responsibilities demand different equipment and have made short response times more critical.

The present Hall #2 in Heriot Bay was built of cinder block 55 years ago and has been declared seismically unsound (see Appendices). Seismic upgrading would exceed the value of the building, which is in any case too small for the present vehicle configuration.

The site offers no water supply or wastewater disposal system, and there is no potential on the current site now or in the future. There is insufficient space to store enough water to obtain water tanker shuttle accreditation in the Heriot Bay area, an important element of household insurance rates. The lot is steep, lacks setbacks from roadways and lacks parking for firefighters during call outs. The lot is privately owned land, designated Residential 1 and leased to the fire department. Future investment on the site would not be reasonable.

In 2021, following a successful Alternative Approval Process, the Fire Protection District borrowed \$200,000 to acquire a new .08 hectare property close to the current leased site of the existing fire hall.

CURRENT PROJECT STATUS

The fire department has been looking for a viable replacement site for #2 Hall for over ten years. Possibilities were investigated at other sites in Heriot Bay, but none proved viable or economical. In January 2020, discussions with the owners of 1525 West Road were undertaken and the Department's offer to purchase was accepted.

The South Quadra Island Fire Protection District was established in 1960. There are currently 38 volunteer members serving the Island from two fire halls located to provide the fastest possible response time throughout the island.

The department has a full time paid Fire Chief and part time paid Deputy Fire Chief.

Quadra Island Fire Department responds to some 250 emergency calls per year.

Fire Departments operate under a complex regulatory environment. They are governed by legislation and regulations from WorkSafeBC, the BC Building and Fire Codes, BC Fire Service Minimum Training Standards, and many industry standards and best practices. These guidelines are in place to ensure that facilities and operations are safe and effective, and they have a direct impact on the design and operations of modern fire stations.

The Case for a New Fire Hall

Issues with the current building include lack of an energy efficient building envelope, seismic deficiencies, and non-compliance with BC Building Code requirements.

In addition, the current building is located on property that was leased from a private owner in 1965 for 99 years. Upgrading the existing fire hall on the current site is not feasible given the constraints this poses – uncertainty about future ownership, inadequate size to store all the equipment and provide parking on callouts, no water or sewer service, no ability to store enough water to supply a water tanker truck.

For all the above reasons, building a new fire hall on land that was acquired by the Fire Protection District in 2021 is the only practicable solution to meet current and future needs of the Fire Department.

The new fire hall will be built to current seismic and BC Building code standards, while providing a suitable environment to house apparatus and meet the needs of the fire fighters with respect to equipment cleaning and storage.

The new Fire Hall #2 design is based on similar fire halls throughout Vancouver Island, which will meet current building and seismic post disaster

standards while providing a much-needed space for fire fighting apparatus and equipment. The new fire hall will feature:

- Bays for up to four pieces of apparatus
- A public entrance with an administration/training/meeting area
- Separate areas for radio communications, mechanical, electrical, gear, storage, offices and laundry which does not exist in the current fire hall
- Two washrooms with gear/equipment decontamination areas
- A room for self-contained breathing apparatus cleaning, maintenance and compressor refill
- In-ground bulk water storage for fire fighting

Borrowing Bylaw & Budget

Attached as Schedule A is South Quadra Island Fire Protection District "Fire Hall #2 Construction Borrowing Bylaw" as approved by the Board.

The Bylaw proposes that the District will borrow up to \$2.9 million to fund construction of the new Fire Hall, to be repaid over a term of 20 years. The amount to be borrowed has been determined based on Class C construction costs and related budget items (Schedule B). Property owners must approve this bylaw in order for the borrowing to proceed.

Borrowing Arrangements

Arrangements for borrowing to fund construction of the new Heriot Bay Fire Hall have been made with the South Quadra Island Fire Protection District lender, RBC, at an interest rate of RBC prime. Further, terms offered include waiving of application fees. As this is to be a construction loan, no collateral is required. The Fire Protection District intends to seek long-term borrowing through the BC Surveyor of Taxes when construction of the new Fire Hall is completed.

Landowner Approval: Alternative Approval Process

On April 3, 2024, the Board of the South Quadra Island Fire Protection District unanimously passed the following resolution regarding borrowing to finance construction of the new fire hall:

To adopt the Alternative Approval Process to secure property owner approval.

The Board wishes to conduct the Alternative Approval Process beginning February 2025 and ending in March 2025.

The Board recognizes that if the AAP should fail, with at least 10 per cent of landowners returning AAP forms opposing the borrowing, it must proceed to another method of securing landowner approval. This would be either a Special General Meeting or a referendum.

Eligible owners for the purposes of the AAP are as outlined in the Fire Protection District Letters Patent, as amended from time to time:

- All owners of property within the area served by the Fire Protection District who are 18 years of age or older, including those who are non-resident property owners living in British Columbia.
- Owners, including non-resident property owners, **must also** be otherwise entitled to vote in British Columbia (specifically, they must have lived in BC for at least the past six months, be 18 years of age or older and be Canadian citizens.)
- Also entitled to submit Owner Response Forms are legal representatives of entities that own property within the Fire Protection District, and legal representatives of those who are deceased or otherwise incapacitated.

The AAP will be conducted in accordance with applicable rules and guidelines as authorized by the Ministry of Municipal Affairs (see Schedule E). The District has engaged the services of an experienced Returning Officer to conduct the AAP.

Information & Engagement Campaign

The Quadra Fire Board of Trustees is committed to ensuring that Protection District landowners are informed about the proposed borrowing to construct a new Fire Hall, the requirements for a new hall on land that has already been acquired, the tax implications of the long-term borrowing, and the opportunity to approve the borrowing through the Alternative Approval Process.

The Board has engaged the services of a qualified communications consultant. A comprehensive communications campaign has been developed. Highlights of the campaign include:

Communications Vision

Helping the community to understand, value, and support the volunteer fire service that ensures their safety and the urgent need for a new facility.

Objectives

1. To raise awareness of the need to build a Fire Hall #2 replacement
2. To address concerns regarding funding the fire hall #2 replacement through a tax increase
3. To raise awareness about the AAP process and how to register lack of consent by submitting an elector response form
4. To mitigate risk by providing supporters with information on how to support the approval of the AAP

Key Messages

1. Fire fighters and first responders are there for us when we need them.
2. Our volunteers serve over 2,500 full-time residents on Quadra Island, and more during the summer months, working out of a 1970 building that is no longer safe or compliant.
3. The longer we wait, the more expensive a new hall will be.
4. The new hall will cost up to \$2.9 Million, which will be borrowed up front and paid back by property owners through taxes over 20 years.
5. The estimated cost to property owners will be \$23.50 per \$100,000 of assessed value.
6. Any property owner within the Fire Protection District boundaries who is a Canadian citizen, a resident of BC for at least six months before the date the form is submitted, and over the age of 18 is eligible to participate in an Alternative Approval Process about the loan.
7. Safety is worth the investment.
8. We can't borrow this funding without community (property owner) support. If you oppose the borrowing for a new fire hall, you can submit an Owner Response Form indicating your opposition during the Alternative Approval Process period.

Tools and Tactics

- Direct mailout to all properties with key information about the project and the AAP
- Launch of a new website dedicated to the new Fire Hall
- Community posters with contact information for details
- Open Houses at the Fire Hall
- A series of articles, social media posts and advertisements

- Emails to owners who subscribe to the electronic mailing list

Timeframe for the AAP

The timeframe proposed by the Board is that the 30-day minimum AAP period would start in mid February 2025 and end in the last week of March.

	AAP
By October 21	Submit information package to Ministry of Municipal Affairs
By December 31	Receive response from Ministry Determine number of eligible electors Adopt borrowing bylaw
Mid February 2025	Publish first notice of AAP
Late February 2025	Publish second notice of AAP Owner Response Form submission period starts the day after publication (minimum 30 days)
March 27 2025	Submission deadline for Owner Response Forms
By end of April 2025	If AAP is successful, submit borrowing Bylaw to Ministry If AAP is <i>not</i> successful, schedule a Special General Meeting or Referendum to reconsider owner approval of the proposed borrowing

Project Timeline Past, Present and Future

1970

- Existing fire hall built

2015

- Study on seismic stability of building showing that the fire hall is at significant risk of damage and may collapse in a seismic event.

2018 - 2020

- Research to explore and cost out upgrade options for existing Fire Hall determined that cost would exceed the value of the building and could not address the lack of water and sewage services on the site

2021

- Property for new Fire Hall acquired

2023

- Preliminary costing for construction carried out

January 2025

- Begin comprehensive community information campaign

February to April 2025

- Conduct AAP to seek owner approval for fire hall funding

2025

- Construction of new fire hall to commence

2027

- New Fire Hall to be operational by end of 2027

Schedule A: Borrowing Bylaw

South Quadra Island Fire Protection District Fire Hall #2 Construction Borrowing Bylaw No. 127

A bylaw to borrow the sum of up to two million, nine hundred thousand dollars (\$2,900,000.00) on the credit of the improvement district.

Whereas it is deemed desirable to undertake debt in the amount of \$2,900,000 in order to construct a new Fire Hall #2 on previously acquired property, now therefore

The Trustees of the South Quadra Island Fire Protection District enact as follows:

1. It shall be lawful for the Improvement District to borrow the sum of two million, nine hundred thousand dollars (\$2,900,000.00) or any smaller sum from RBC Royal Bank of Canada in order to construct a new Fire Hall #2 and to pledge the toll collecting and taxing powers of the improvement district for the repayment of the said sum.
2. It shall be lawful for the Trustees to issue promissory notes obligating the improvement district to repay the sum so borrowed and to pay interest thereon at the prime rate per annum in effect.
3. The maximum term for which this sum can be borrowed is 20 years.
4. This bylaw may be cited as “Fire Hall #2 Construction Borrowing Bylaw”.

Introduced and given first reading by the Trustees on the 28 day of October 2024.
Reconsidered and finally passed by the Trustees on the 28th day of October 2024.
Adoption rescinded by the Trustees on the 4th day of December 2024
Amended and given first reading as amended on the 4th day of December 2024
Reconsidered as amended and finally passed on the 4th day of December 2024

Adoption rescinded by the Trustees on the 8th day of January, 2025 .

Amended and given first reading as amended on the 8th day of January 2025

Reconsidered and finally passed by the Trustees on the ____ day of ____ , 20 ____

Murray Abercrombie, Chair of the Trustees

I hereby certify that this is a true copy of Bylaw No. 127

Doug Peters, Officer

Schedule B: Construction Budget

SEPTEMBER 8, 2024

SOUTH QUADRA FIRE PROTECTION DISTRICT REPLACEMENT HALL #2 ESTIMATE

SERVICE	DESCRIPTION	AMOUNT
Architect	Design and Construction of Hall 2	\$85,000
Columbia Valley Engineering	Structural Engineer (Foundations & Retaining Walls)	\$15,000
Strathcona Regional District	Siting Approval	\$300
Base Geotechnical	Geotechnical	\$15,000
Estimate	Site Prep for Driveway and Excavation	\$65,000
Estimate	Fill Material for Driveway and Backfill	\$52,000
Estimate	Foundation Prepped for Steel Structure	\$185,000
Estimate	Bay Floor Slab Material and Labour	\$52,000
Estimate	Under Slab Insulation	\$20,500
Estimate	Living Area Floor System and Interior Framing	\$42,000
Estimate	Steel Package	\$700,000
Estimate	Windows and Entry Door	\$23,000
Estimate	Bay Doors	\$55,000
Estimate	Heating (Under Slab Hydronic)	\$90,000
Estimate	Plumbing and Fixtures	\$65,000
Estimate	Electrical Services, Rough In and Finishing	\$120,000
Estimate	Drywall	\$28,000
Estimate	Painting	\$22,000
Estimate	Interior Doors and Trim	\$7,000
Estimate	Appliances and Furniture	\$14,000
Estimate	Turnout Gear Room Cabinetry	\$8,000
Estimate	Entry Roof and Sidewalks	\$65,000
Estimate	Front Concrete Apron (Heated Hydronic)	\$75,000
Estimate	Parking Area Retaining Wall, Fill and Railings	\$75,000
Estimate	Water Treatment System	\$55,000
Estimate	Underground Water Storage and Drafting Pit	\$120,000
Estimate	Nederman Exhaust System	\$150,000
Estimate	General Contractor Fees	\$150,000
Estimate	Septic Ssystem	\$35,000
Estimate	Contingency	\$200,000
	SUBTOTAL	\$2,588,800
	GST @5%	\$129,440
	TOTAL	\$2,718,240
Estimate	Construction Loan Payments @ 7.2% 12 Mths	\$181,760
	TOTAL	\$2,900,000

**BRODY WILSON
DESIGNS**

BOX 706 QUATHIASKI COVE, BC
E-MAIL: BRODY@GOWITHTHEFLOW.CA
TEL. (250) 287-0946

THIS PLAN IS PROPERTY OF BRODY WILSON
DESIGNS AND MAY NOT BE REPRODUCED OR
RE-USED WITHOUT THE WRITTEN CONSENT OF THE
MANAGEMENT

Schedule C: Project Drawings

FIREHALL #2 QUADRA ISLAND B.C.

DRAWING INDEX
ARCHITECTURAL
P1 FLOOR PLANS
P2 CONCEPTUAL RENDERING

CONCEPT DESIGN

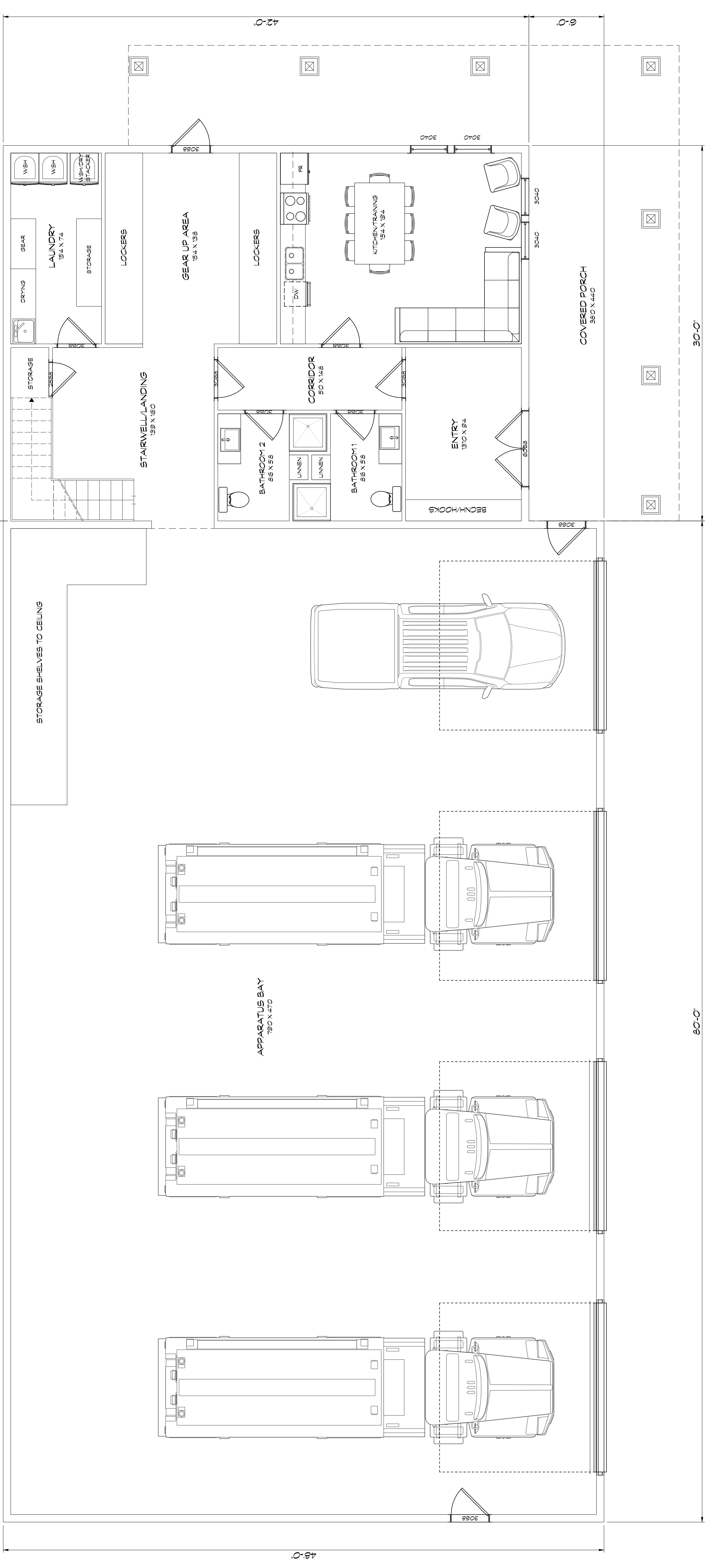
SHEET
0.0

REV. 2

110'-0"

60'-0"

30'-0"

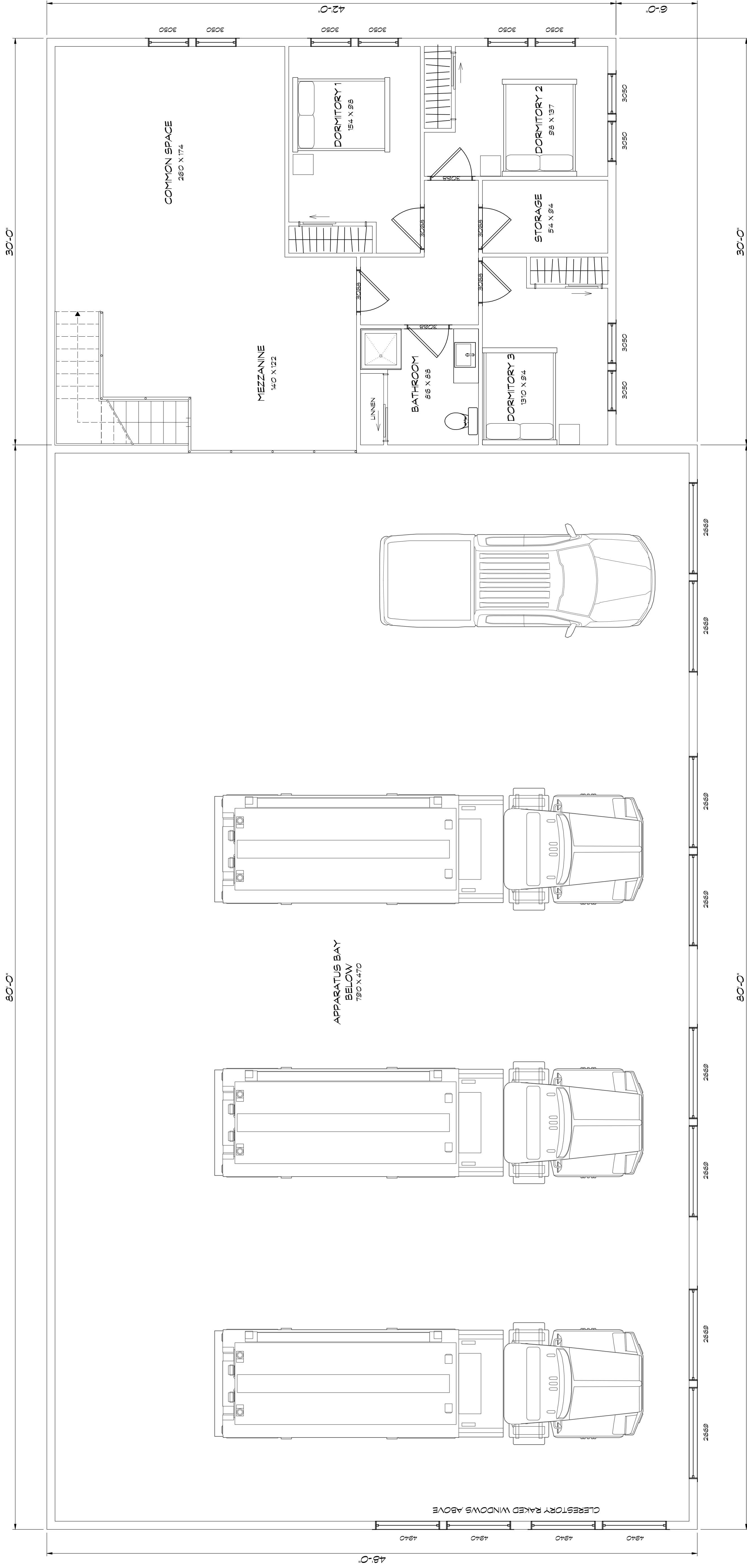


GROUND FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 3840 SQ. FT. APPARATUS BAY
 1260 SQ. FT. LIVING QUARTERS (LOWER)
 1260 SQ. FT. LIVING QUARTERS (UPPER)
 TOTAL SQUARE FOOTAGE: 6360 SQ. FT.

Project Title		FIRE-HALL #2 HERIOT BAY	
Project Location		QUADRA ISLAND, BC	
Sheet Title		GROUND FLOOR PLAN	
Drawn By:	BV	Sheet Number:	1 of 3
Issue Description		2 10/05/2022 CONCEPT DESIGN FOR CLIENT REVIEW	
Issue Description		1 09/21/2022 CONCEPT DESIGN FOR CLIENT REVIEW	

**BRODY WILSON
DESIGNS**
 BOX 706 QUATHASKI COVE, BC
 E-MAIL: BRODY@GOWITHTHEFLOW.CA
 TEL: (250) 287-0946

CONCEPT DESIGN



UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1260 SQ FT LIVING QUARTERS (UPPER)
 (TOTAL SQ FOOTAGE SEE GROUND FLOOR PLAN)

Project Title		FIRE-HALL #2 HERIOT BAY	
Project Location		GUADRA ISLAND, BC	
Sheet Title		GROUND FLOOR PLAN	
Drawn By:	BW	Sheet Number:	2 of 3
BRODY WILSON DESIGNS BOX 706 QUATHASKI COVE BC E-MAIL BRODY@GOWITHTHEFLOW.CA TEL. (250) 287-0946		THIS PLAN IS PROPERTY OF BRODY WILSON DESIGNS AND MAY NOT BE REPRODUCED OR REUSED WITHOUT THE WRITTEN CONSENT OF THE MANAGEMENT	
No.	Date	Issue Description	
2	10/05/2022	CONCEPT DESIGN FOR CLIENT REVIEW	
1	09/21/2022	CONCEPT DESIGN FOR CLIENT REVIEW	

CONCEPT DESIGN



CONCEPT DESIGN

No.	Date	Issue Description
2	10/05/2022	CONCEPT DESIGN FOR CLIENT REVIEW
1	09/21/2022	CONCEPT DESIGN FOR CLIENT REVIEW

**BRODY WILSON
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Project Title	FIRE-HALL #2 HERIOT BAY
Project Location	QUADRA ISLAND, BC
Sheet Title	CONCEPTUAL RENDERING
Drawn By	BW
Number	3
of	3
Issue	2

Schedule D: Seismic Report

File # HS-1018

March 6, 2015

South Quadra Fire Protection District
P.O. Box 80,
Quathiaski Cove, B.C.
V0P 1N0

Re: Structural Seismic Load Resistance Review of Quadra Island Fire Hall No. 2, 1515 West Road.

Dear Mr. Graham Swanson – Deputy Chief

Further to your request, HSI - Home Structural Inc. performed a preliminary site review of the Quadra Island Fire Hall No. 2 on January 22, 2015, in order to form a basis to conduct a structural review of the lateral load capacity of the existing Fire Hall building. Subsequent to that review, additional information about the connection of the roof framing and interior layout was provided by Mr. Swanson on January 23, 2015. The 45'-0" x 30'-0" building appears to be of unreinforced 8" masonry block construction in running bond pattern, with a flat wood-framed roof of 2 x 8 joists and T&G decking framing to a center ridge beam. The original roof was later retrofitted with an additional layer of 7/16" OSB sheathing to provide diaphragm strength to the T&G decking, and a new duo-pitch engineered truss roof system was added over top. The North, East and South exterior walls are predominantly solid block walls, 12'-0" tall. The West exterior wall is dominated by two 12' x 10' overhead doors, leaving little wall length for lateral load resistance. The extent and construction of bearing foundations is unknown.

Seismic loading on simple buildings in accordance with the 2012 B.C. Building Code is a function of several variables. Most of the variables are a function of;

- Expected ground acceleration on the building.
- Importance of building's ability to remain operational after an earthquake.
- Type of building construction and lateral load resisting system.

The expected ground acceleration on the building is a relatively standardized value for buildings in a given geographic area and of similar height and foundation conditions. A building's importance factor has a large effect on the required design loading; a Fire Station is considered to be a post disaster structure requiring full operation after an earthquake, which effectively doubles the required design loading on this building over that of a similar sized home or shop. The type of building construction determines both the mass of the building, and the buildings ability to deform and absorb lateral load without collapsing. Unreinforced masonry block is considered both a heavy and relatively brittle construction medium that in turn dramatically increases the required seismic design load resistance of the building.

Under current Building and Material Code standards, unreinforced masonry construction is considered to be an unacceptable construction medium for lateral load resisting elements in the South-

Eastern British Columbia seismic climate. HSI performed some sample structural calculations to compare the current lateral load requirements with the lateral load resistant capacity of the known building elements and have identified several significant deficiencies, principally;

- The solid wall lengths will likely experience partial failure before reaching the full required design load to support their basic tributary area.
- The open face West wall has negligible lateral load resistance, and thus relies on additional load to be transferred to the other three walls.
- The existing diaphragm capacity and connection to the masonry walls which is the transfer mechanism between the lateral load and the load-resisting elements are not strong enough to effectively distribute 10 percent of the required load.

Based on our calculations and knowledge of the existing building construction we expect the existing Fire Hall No. 2 building to suffer significant damage requiring replacement of the building after experiencing 50 percent of the current required design load, and to collapse under full code-level earthquake loading. HSI has determined two possible scenarios to retrofit the existing building;

- 1) Drill cavities to install new horizontal and vertical reinforcing in the existing walls, spacing to be finalized but at no less than 16" o.c. Rebar dowels to be embedded 12" into existing foundations with approved concrete adhesive. Additional 3/4" Ø anchor bolts to be installed at 30" o.c., diaphragm sheathing to be nailed off at 3" o.c. with heavy gauge 2 1/2" nails, and framing clips installed to connect the 2 x 8 roof to the sill plates.
- 2) Anchor the existing masonry walls to new 20 Ga corrugated sheetmetal cladding shearwalls and structural angle perimeter frame for the full face of all walls. Provide additional diaphragm nailing and anchor bolts as noted above in option 1).

In addition, option 1 and 2 will both likely require underpinning of the existing foundation. The West wall would also require restructuring with a steel frame or replacement with new cast in place concrete to ensure the overhead doors remain operational after an earthquake. A retrofit plan can be provide upon request. If you have any questions or require further information about the content of this report, please contact the writer.

Sincerely
HSI - Home Structural Inc.

Eric Heidema, P. Eng.

Schedule E: Letters Patent

109.

Approved and ordered this 21st day of January, A.D. 19 60.

At the Executive Council Chamber, Victoria,



Lieutenant-Governor.

PRESENT:

The Honourable

in the Chair.

Mr. Bennett
Mr. Williston
Mr. Bonner
Mr. Kiernan
Mr. Gagliardi
Mr. Wicks
Mr. Peterson
Mr. Martin
Mr. Chant
Mr. Westwood
Mr.


To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to report: *Ann. 691/91*

THAT a petition has been presented by a number of owners of land on the south portion of Quadra Island, British Columbia, praying that the tract of land hereinafter mentioned and the owners of land in the said tract be incorporated into an improvement district.

THAT the petitioners have complied with the requirements of the Water Act relative to such petitions.

THAT it appears in the public interest to grant the prayer of the said petitioners.


AND TO RECOMMEND:

THAT in accord with Section 50 of the Water Act, being Chapter 361 of the Revised Statutes of British Columbia, 1948, Letters Patent, in the terms of the Letters Patent herewith, be issued incorporating the tract of land therein described and the owners of land in the said tract into an improvement district under the name "South Quadra Fire Protection District" and with the rights, powers, privileges and obligations conferred and imposed on improvement districts under the said Act except as otherwise specified in the said Letters Patent.

DATED the *18th* day of *January* 1960.


Minister of Lands and Forests.

APPROVED the *18th* day of *January* 1960.


Presiding Member of the Executive Council.

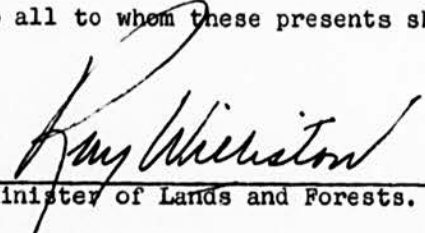


CANADA:

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom,
Canada and Her other Realms and Territories, QUEEN, Head of
the Commonwealth, Defender of the Faith.

To all to whom these presents shall come - GREETING.


Minister of Lands and Forests.

WHEREAS by section 50 of the
"Water Act" it is provided that
the Lieutenant-Governor in
Council may incorporate a tract

of land and the owners thereof into an improvement district:

And whereas the Lieutenant-Governor in Council has, by Order
in Council made pursuant to the said Act, been pleased to order
that the tract of land hereinafter described and the owners thereof
be incorporated into an improvement district under the said Act, and
has made further provision to the tenor and effect hereinafter
appearing:

Now know ye that by these presents We do hereby order and
proclaim:-

1. The tract of land within Sayward District and Victoria Land
Registration District more particularly described as follows:

That part of Quadra Island together with all that foreshore and
land covered by water lying between high water mark and a line drawn
1,000 feet perpendicularly distant from and parallel to the said high
water mark which lies south and east of a line commencing at the
south-east corner of Lot 136 being a point on the high water mark
of Hyacinth Bay; thence westerly and southerly along the northerly
and westerly boundaries of the Fractional East Half of Lot 224 to
the south-west corner thereof; thence easterly and southerly along
the northerly and easterly boundaries of Lot 218 to the south-east
corner thereof; thence westerly along the northerly boundary of Lot
215 to the north-west corner thereof, being a point on the high
water mark of Discovery Passage. Except thereout Indian Reserve

No. 9 "Drew Harbour" and Indian Reserve No. 10 "Cape Mudge."
and all subdivisions thereof and all owners and land therein are
incorporated into an improvement district under the "Water Act" and
subject to the provisions thereof and to the conditions hereinafter
contained.

2. The improvement district shall be known as the "South Quadra
Fire Protection District."

3. The objects of the improvement district shall be the provision
of fire protection and the acquisition, maintenance, and operation
of works, buildings, and equipment for that purpose, and all things
incidental thereto.

4. There shall be three Trustees of the improvement district.

5. Messrs. Harold Malyea, of Heriot Bay, and Herbert W. Eastland,
of Quathiaski Cove, and Mrs. May Hendrickson, of Quathiaski Cove, shall
be the first Trustees of the improvement district, and the said
Malyea shall hold office until the annual general meeting of 1963,
the said Eastland shall hold office until the annual general meeting
of 1962, and the said Hendrickson shall hold office until the annual
general meeting of 1961.

6. All elections of Trustees shall be held at the annual general
meetings of the improvement district, and it shall be the duty of
the Trustees to call a general meeting to be held between January 1st
and May 1st in each year except 1960 for the following purposes:-

- (a) To receive from the Trustees a report on condition of
the works and a statement of the financial condition of
the improvement district:
- (b) To discuss with the Trustees any matter relating to the
works or finances of the improvement district:
- (c) To fix the remuneration of the Trustees for the ensuing
year:
- (d) To elect a Trustee to succeed the one whose term of office
expires coincident with the holding of such annual general
meeting, and to elect a Trustee or Trustees to fill any
other vacancy or vacancies that has or have occurred or is
or are about to occur among the Trustees:

(e) To choose the auditor for the ensuing year.

A special general meeting may be called by the Trustees at any time for the purpose of electing a Trustee or Trustees to fill any vacancy or vacancies among the Trustees, or for the purpose of discussing with the owners any matter or matters which in the opinion of the Trustees should be brought up at a general meeting.

At least seven days' notice of every general meeting shall be given by notices posted in seven conspicuous places within the district and at the place where the meeting is to be held and published in a newspaper circulating in the district.

The secretary shall enter in a book provided by the Trustees for this purpose minutes of all matters brought before the meeting and the action taken thereon. At any general meeting every person shall be qualified to vote who is a Canadian citizen and is twenty-one years old or older and is an owner of land in the improvement district, or the authorized agent of any board or corporation that is an owner of such land, or legal representative of any owner of such land who has died, become insolvent or insane, and is entitled to be registered as a voter under the "Provincial Elections Act." Every person qualified as aforesaid to vote and the wife or husband of any such person shall be qualified to be a candidate for Trustee of the improvement district. In the event of the right of any person to vote at any general meeting being challenged, the chairman shall have authority to determine whether or not such person is entitled to vote, and the chairman may require such person to make and file with him a statutory declaration showing that the declarant is qualified as aforesaid to vote at such general meeting. Forthwith after the holding of a general meeting the Trustees shall file with the Comptroller of Water Rights a true copy of the minutes of such meeting and copies of all auditor's reports and financial statements presented or discussed at the meeting.

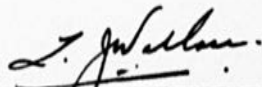
7. All words and phrases given special meaning in section 2 of the "Water Act" shall, where used herein, be ascribed the meaning given them in the said section, unless the context otherwise requires.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, His Honour FRANK MACKENZIE ROSS, C.M.G., M.C., LL.D., Lieutenant-Governor of Our said Province, in Our City of Victoria, this twenty-first day of January, in the year of our Lord one thousand nine hundred and sixty, and in the eighth year of Our Reign.

By Command:





Deputy Provincial Secretary

However, there may be circumstances where higher compensation is requested by a landowner because of a loss of property value or other considerations. In these cases, the improvement district will have to carefully weigh the implications of a larger settlement against the cost of relocating the works.

Landowner Consultation and Approval

General

There are circumstances when a board of trustees may want to survey the landowners to determine their opinion on a matter before committing the improvement district to a particular course of action. In addition, the province may require an improvement district to obtain evidence of landowner support before considering the registration of a bylaw or other matter requiring provincial approval. There are very few provisions in the *Local Government Act* or Letters Patent, specifically dealing with the questions of why, how, or when, an improvement district requires the approval of its landowners.

The following guidelines have been drafted to assist improvement districts where landowner approval is required. However, since there are different methods for obtaining landowner approval, and not all of them are suitable for all circumstances, it is strongly recommended that improvement districts contact the Ministry for direction in these cases.

Voluntary Landowner Approval

Letters Patent generally state the board of trustees may call a special general meeting to discuss any matter with the landowners. This includes the ability to ask the landowners for formal support for the matter being discussed at the meeting. The types of matters referred to landowners for approval range from borrowing bylaws, rate increases and major capital projects, to a water meter installation program or water restrictions. There are no constraints on matters that can be referred to landowners for approval except that it must be related to the services provided by the improvement district.

Requirements for Landowner Approval

Section 747 of the *Local Government Act* states the Inspector of Municipalities may register a bylaw, refuse to register it, or take any other action considered in the interest of the improvement district or the provincial government. Occasionally, the Inspector of Municipalities requires an improvement district to provide evidence that its landowners support a bylaw before allowing it to be registered. This occurs most often when a bylaw is expected to have a major impact on landowners, either financially or through a fundamental change to the way in which the improvement district delivers, or regulates, its services. All long-term borrowing bylaws generally require landowner approval, as do bylaws that materially increase rates charged to the landowners.

Methods of Landowner Approval

There are various methods for obtaining landowner approval and specific procedures that must be followed. Landowner approval is the culmination of a process that includes an analysis of an issue or project and may also include approvals by the Ministry or other agencies. Information on the process leading up to landowner approval can be found in Section C under Capital Projects.

Annual or Special General Meetings - Most improvement district Letters Patent state the board of trustees may call a special general meeting to discuss any matter which, in the opinion of the board, should be brought up at a general meeting. As part of this process, the trustees could hold a vote at the meeting, provided the landowners are properly notified in advance of the issue, and of the opportunity to vote. This method gives the landowners the ability to discuss the issue or project at the meeting immediately prior to voting. It is less convenient than a referendum for the landowners because they have to be present at the meeting to vote but it does permit the results to be known in a relatively short time and may be more practical when the number of landowners in the improvement district is relatively small. It is the most commonly used method used by improvement districts to obtain landowner approval.

Where a vote is planned at the annual or special general meeting, the improvement district must, at a minimum, follow the same notification procedures as in its Letters Patent for the election of trustees. The notice must clearly indicate the subject that is going to be discussed at the meeting and the fact that a vote will be held. Ballots should be used to ensure the vote is secret.

Direct Petition - Direct petitions are usually used for boundary extensions and are suitable for that purpose because they usually involve a small number of properties. This method requires an improvement district to inform resident and non-resident landowners about the proposal. An individual petition would then be signed by the owner(s) and returned to the improvement district if the owner is in favour of the proposal. However, questions can be raised about the authenticity of the signatures on petitions and the rights of the landowner to have a secret vote. The Ministry does not support the use of direct petitions for purposes other than minor boundary extensions.

Referendum - A referendum is a vote held where the landowners cast their ballot at a polling station on a particular day. An improvement district may be required by the provincial government to hold a referendum prior to the approval of a bylaw or other matter requiring provincial approval. An improvement district may also initiate a referendum itself but there is no specific authority in the *Local Government Act* or Letters Patent as to when a referendum is required. Since the majority of improvement districts are fairly small, it is unlikely they will need to use a referendum since a special general meeting would be a more

practical method for obtaining landowner approval. More detailed information on referendum procedures can be found in the Referendum Guidelines section following.

Alternative Approval Process – An alternative approval process (AAP) is a method for electors to have direct input into a proposed action or decision of the board. The process begins when a notice is published explaining the issue and then the electors have an opportunity to petition against it within 30 days. If ten percent of the electors petition against the matter, the board cannot proceed with it unless approval of the electors is obtained through a referendum or special general meeting vote. Information on the alternative approval process can be found in the AAP section following.

Guidelines for Obtaining Landowner Approval

General

The percentage of landowner support that must be obtained in a vote in order to approve a project or issue for an improvement district is not set down in the *Local Government Act* or Letters Patent. In most cases, a majority of the electors is sufficient to approve the project or issue. However, projects that have a substantial financial impact on landowners should meet a higher threshold. The percentage of voter turnout should also be taken into consideration when viewing the results of a vote. While there is no minimum percentage of voter turnout stipulated, a low percentage of voter turnout may not necessarily reflect the majority view and consideration should be given for holding another vote.

The results of a vote or petition are not binding on a board of trustees, the Ministry, or Cabinet. There may be circumstances where overriding concerns result in a project or issue being either approved or rejected by the board, the Ministry, or Cabinet regardless of the view expressed by a majority of the landowners.

Referendum Guidelines

General

The Ministry may require an improvement district to hold a referendum as a means for determining landowner support for a project or issue. There is no specific authority or reference in the *Local Government Act* or Letters Patent dealing with referenda.

A referendum is the culmination of a process whereby an analysis of a project or issue was first undertaken to identify financial and other impacts. The process may also involve preliminary approval from the Ministry or other agencies. Information on the process can be found in Section C, under Capital Projects.

Alternative Approval Process (Formerly referred to as Counter Petition)

General

An alternative approval process (AAP) is a method for electors to have direct input into a decision or action proposed by the board. The improvement district must advertise information about the matter and then the electors have an opportunity to petition against it. If more than ten percent of the electors petition against the matter, the board cannot proceed with it unless the approval of the electors is obtained through a referendum or special general meeting vote.

Process

The improvement district must develop and provide the petition which is also known as an elector response form. The board must set a deadline by which completed forms must be submitted to the improvement district. Notice of the AAP must be published in at least two issues of a newspaper. The second publication must appear at least 30 days before the deadline set by the board. Information about the AAP opportunity could also be mailed by first class mail to all electors if there is no newspaper circulating in the community.

From the time of the first publication, a copy of the notice should be posted in a public place in the improvement district. The notice must include:

- a general description of the project, including costs;
- a statement that the board of trustees may proceed with the project unless more than ten percent petition against the proposal;
- the area the project benefits (i.e. usually the entire improvement district);
- the deadline by which signed the elector response forms must be submitted to the improvement district;
- an estimate of the number of persons who must petition against the matter in order for the AAP to be sufficient. (Those persons eligible to vote at an election would be eligible to sign an elector response form); and,
- how elector response forms may be submitted to the improvement district (i.e., where they can be mailed, faxed, or delivered).

Once the 30-day period has ended, the corporate officer must certify the number of acceptable elector response forms that were received. If at least ten percent of the electors sign elector response forms, then the improvement district cannot proceed with the project unless a majority of the electors vote in favour of the matter at a referendum or a vote at a special general meeting.

If less than ten percent of the electors sign elector response forms the board may proceed with the matter. If the registration of a bylaw is pending, the corporate officer's certification should be submitted to the Ministry along with other background material, to allow a review of the bylaw to be completed.

Please see Section 86 of the *Community Charter* for further information on AAPs.