

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: Monday, January 6, 2014
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt December 16, 2013 Regular Council Meeting Minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

4.00 STAFF REPORTS

Pg #

(a) Community Services

(b) CAO and Legislative Services

(c) Development Services

- 1 1. Zoning Amendment – 1968 Dogwood Drive

(d) Financial Services

(e) Engineering and Operations

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 5 1. Response from Minister Rich Coleman re: Supportive Housing Project

- 7 2. Dawn to Dawn Community Garden

- 9 3. Letter from AIDS V.I., Dawn to Dawn and Wachiay Friendship Centre re: multi-purpose supportive housing
(Recommended action: refer to City's Social Planning Consultant)

- 11 4. Local Government Elections Reform

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held January 6, 2014 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) Labour relations or other employee relations

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

For Third Reading and Final Adoption subject to Council decision

- 31 1. "Zoning Amendment Bylaw No. 2726, 2013"
(rezone 1968 Dogwood Drive from R-1 to R-1S)

For Final Adoption

- 33 1. "Zoning Amendment No. 2768, 2013"
(rezone 3230-3260 Cliffe Avenue to R-4A)

(Note: The passing of Bylaw 2768 was contingent upon the execution of covenants. The covenants have been executed; therefore the bylaw may be considered for final adoption.)

13.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

To: Mayor and Council

File No.: 3360-20-1211

From: Chief Administrative Officer

Date: January 6, 2014

Subject: Zoning Amendment Application No. 1211 – 1968 Dogwood Drive

PURPOSE:

The purpose of this report is to consider a zoning amendment application to permit a secondary suite in an existing single residential dwelling subsequent to the Public Hearing process.

POLICY ANALYSIS:

Notwithstanding the behavioural concerns related to the occupants of 1968 Dogwood Drive, and their impact on the quality of life for the adjacent residents, the City's Official Community Plan (OCP) and the Regional Growth Strategy (RGS) both support the "consideration" of secondary suites and alternate housing forms.

Based on this, and in consideration of the planning tenant that, "we cannot zone people", staff are not making a recommendation on this rezoning application for a secondary suite. While staff is sympathetic to the concerns expressed by some of the adjacent residents, staff do not feel comfortable making a recommendation that is inconsistent with the OCP and RGS.

Staff do recommend that council give further consideration and direction to staff regarding where secondary suites should be allowed, as well as how to proceed with the enforcement of illegal suites in the City. If council is supportive of this approach, this matter can be considered at the February 2014 Committee of the Whole meeting.

CAO RECOMMENDATIONS:

That based on the January 6th 2014 staff report, "Zoning Amendment Application No. 1211 – 1968 Dogwood Drive", Council DECIDE whether to approve, defeat, or defer Zoning Amendment Bylaw No. 2726, 2013 to rezone 1968 Dogwood Drive to R-1S.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Allen', written over a horizontal line.

David Allen
Chief Administrative Officer

BACKGROUND:

Zoning Amendment Bylaw 2726, 2013 is before Council for consideration of Third Reading following the Public Hearing held on Monday December 16th 2013.

DISCUSSION:

This application was first considered by Council in July 2013. At that time Council passed a motion to defer consideration of the bylaw for a three month period to allow further neighbourhood consultation regarding concerns raised at the initial public information meeting. Consequently, the applicant held an additional meeting with the neighbourhood in October 2013 prior to the bylaw receiving First and Second Readings in November.

Written submissions received prior to the December 16th Pubic Hearing indicate general support for the proposed rezoning within the broader neighbourhood, however as indicated by the verbal presentations at the hearing, the immediate neighbours remain in opposition. Similar to concerns outlined in the initial staff report, comments received at the public hearing cited ongoing issues occurring on the property over the past two years. As stated at the Public Hearing this two year "trial period" with the illegal suite has significantly impacted the neighbours and the usability of their yards.

FINANCIAL IMPLICATIONS:

NA

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component. If the bylaw passes Third and Fourth Reading the applicant will be required to obtain a Building Permit to ensure the secondary suite meets the health and safety requirements of the BC Building Code. Should the bylaw be defeated, the file will be closed and the applicant will be required to obtain a Building Permit to decommission the secondary suite.

STRATEGIC PLAN REFERENCE:

NA

OFFICIAL COMMUNITY PLAN REFERENCE:

The OCP states that "secondary suites will be considered as part of a principal single-family residential building subject to zoning approval" under the urban residential designation. The climate action policies encourage secondary suites in single-residential neighbourhoods as incremental infill development supporting the development of more compact and complete neighbourhoods.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed zoning amendment is consistent with the Comox Valley Regional Growth Strategy goal to ensure a diversity of housing options to meet evolving demographics and needs, and to encourage the

provision of alternative housing forms that provide housing at lower costs and with lower environmental impacts.

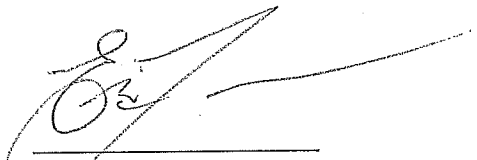
CITIZEN/PUBLIC ENGAGEMENT:

As noted above, the applicant held two public information meetings regarding the proposed rezoning. The first was held in May 2013 prior to Council's initial consideration of this application and at Council's direction the applicant held an additional public information meeting in October 2013. A Public Hearing regarding the proposed bylaw amendment was held in December.


OPTIONS:

- OPTION 1: Defeat Zoning Amendment Bylaw 2726, 2013.
- OPTION 2: Give Zoning Amendment Bylaw 2726, 2013 Third Reading.
- OPTION 3: Defer consideration of Zoning Amendment Bylaw 2726, 2013 with a request for further information and if necessary a new Public Hearing.

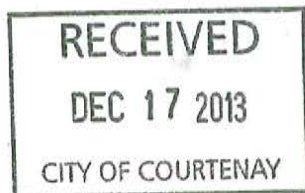
Prepared by:



Erin Ferguson, MCP
Land Use Planner



Peter Crawford, MCIP, RPP
Director of Development Services



FOR INFO.

NOV 27 2013

Ref: 16993

His Worship Larry Jangula
Mayor of the City of Courtenay
830 Cliffe Avenue
Courtenay BC V9N 2J7

Dear Mayor Jangula:

I am writing to thank you for the opportunity to meet with you and your colleagues at the Union of British Columbia Municipalities Convention in Vancouver on September 17, 2013 to discuss your supportive housing project plans.

I appreciate the dedication you have shown and the steps you have taken to address housing needs in Courtenay. I encourage you to continue working with BC Housing to discuss your proposed supportive housing project. You may wish to contact Mr. Roger Butcher, Regional Director, Vancouver Island Region at BC Housing. Mr. Butcher can be reached at 250 978-2901 or rbutcher@bchousing.org.

I would like to mention two housing programs that the provincial government uses to support housing affordability. The Province provides monthly cash payments to low-income working families and seniors renting in the private market through the Rental Assistance Program and the Shelter Aid for Elderly Renters program. Information regarding these, and other programs, can be found at www.bchousing.org.

Thank you again for discussing your supportive housing project plans with me. It was a pleasure meeting with you and your colleagues in Vancouver.

Sincerely yours,

Rich Coleman
Minister Responsible for Housing
and Deputy Premier

cc: Mr. Roger Butcher
Regional Director, Vancouver Island Region
BC Housing

Ministry of Natural Gas Development
Minister Responsible for Housing
and Deputy Premier

Office of the Minister

Mailing Address:
PO Box 9052, Stn Prov Govt
Victoria, BC V8W 9E2
Phone: 250 953-0900
Fax: 250 953-0927



Dawn to Dawn

ACTION ON HOMELESSNESS SOCIETY

Unit 6C - 821 Shamrock Place, Comox, BC Canada V9M 3P6

For
Info

Dec 29, 2013

Mayor L. Jangula

City of Courtenay
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7



Dear Mayor,

Subject: Dawn to Dawn Community Garden

I am writing to thank you and through you the entire Courtenay City Council and city staff for granting us a five year land use agreement to continue the community garden on the city property at 6th St. and Harmston Ave.

The garden serves several purposes. It provides an opportunity for our clients and others experiencing or facing possible homelessness with an opportunity to grow plants and herbs. The produce provides a source of food: for the participants; for lunches organized by the Sunshine Club and others; and a small source of revenue to help offset the operating costs.

But perhaps more importantly, the garden provides an opportunity for social engagement between our clients and other homeless or former homeless persons and the community at large. This social interaction is good for all those who participate, but also for the social health of our community. We are very pleased that after piloting the garden for the past two years, we can plan to continue for up to five more years.

Our goal in 2014 will be to make the garden even more of a community garden, with even greater and broader community participation.

On behalf of Dawn to Dawn, may I express our sincere appreciation for this continuing opportunity. We look forward to continuing our fine working relationship with city staff.

Sincerely,



Richard Clarke

President

City of Courtenay
830 Cliffe Ave.
Courtenay, B.C.
V9N 2J7



Log Info

December 20, 2013

Dear Mayor and Courtenay City Council,

This letter is written to convey our desire to see multi-purpose supportive housing built in the Comox Valley. This opportunity is now before us with the Braidwood property. As front line workers we are in daily contact with the street population and those faced with housing challenges here in the Comox Valley and believe that this housing would be innovative and reflect a cost-effective way to help people live more stable lives.

Supportive housing is widely believed to work well for those who face the most complex challenges—individuals and families confronted with homelessness and who also have very low incomes and/or serious, persistent issues that may include substance abuse, domestic abuse and those fleeing abusive or violent relationships, addiction or alcoholism, mental illness, HIV/AIDS, or other serious challenges to a healthy life.

Supportive housing can be coupled with such social services as job training, life skills training, harm reduction services, alcohol and drug abuse programs, community support services (e.g., child care, educational programs, recreational programs), and case management to populations in need of assistance. Supportive housing is intended to be a pragmatic solution that helps people have better lives while reducing, to the extent feasible, the overall cost of care.

Currently there is no supportive housing in the Valley. The impact of supportive housing cannot be understated. Through diligence, initiative, consultation and creative design we can create a supportive housing strategy that best serves the diverse needs of the population. We welcome all opportunities to discuss these challenges and opportunities with you further.

Sincerely,

Sarah Sullivan

A handwritten signature in blue ink, appearing to read "Sarah Sullivan".

AIDS Vancouver Island

Grant Shilling

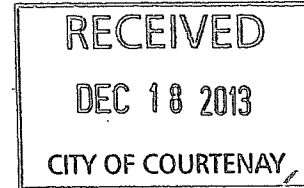
A handwritten signature in black ink, appearing to read "Grant Shilling".

Dawn to Dawn Action on Homelessness Society

Roger Kishi

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

Wachiay / Friendship Centre



Handwritten initials/signature

December 12, 2013

Ref: 154580

His Worship Mayor Larry Jangula
and Members of Council
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Mayor Jangula and Councillors:

I am writing today to invite your local government's input on the second phase of local government elections reform.

I wrote to all local governments on August 27, 2013 to announce the release of a White Paper on Local Government Elections Reform. As noted in the White Paper, I have initiated targeted stakeholder engagement on expense limits in November 2013. The intent is to develop and introduce expense limits legislation in time for the next local elections *after* 2014. Given the diversity of views on the topic and the complex policy issues, I want to start discussions on expense limits early and be in a position to introduce expense limits with plenty of lead-time before the next elections after 2014.

Expense limits would ultimately be added into the proposed *Local Elections Campaign Financing Act*. This two-phase approach allows campaign participants to first become familiar with a new, separate Act with new rules around transparency, accountability and enforcement before adding expense limits into local elections.

Information gathered through talking to key stakeholders, such as local governments, will help inform the development of expense limits. I will be having regular discussions with the Union of British Columbia Municipalities' Executive as we move forward. However, I also wanted each local government to have an opportunity to share perspectives on expense limits, and issues related to expense limits. I would appreciate your thoughts on questions and issues around campaigning for office. For example,

- o In your community, do you think the cost of campaigning is a deterrent to people considering running for office?
- o What are the most significant cost pressures in local campaigns?
- o Are campaign finance issues different in small communities than in large communities, and if so, in what ways?

.../2

His Worship Mayor Larry Jangula
and Members of Council
Page 2

I am also interested in your views on approaches to setting expense limits in local elections. The Local Government Elections Task Force recommended expense limits for candidates and third party advertisers in all communities. The Task Force suggested that expense limits need to take community population into account in order to work in British Columbia's diverse communities, and that elector organizations should not get a separate, additional limit. The Task Force did not specify what they felt expense limits should be.

Enclosed for your reference is a short discussion paper. The paper includes some background on expense limits issues, including some information on local campaign spending in British Columbia and information on other provinces' approaches. This paper can also be found at www.localgovelectionreform.gov.bc.ca. Comments from the public are also invited until January 31, 2014.

Please note that it is optional to provide feedback on expense limits issues. As a former council member, I understand that councils and boards have busy agendas and it may be difficult to find time to discuss this issue. However, I do appreciate hearing from your community.

Please provide your thoughts by January 31, 2014. Submit your feedback electronically to: Localgovelectionreform@gov.bc.ca, or in writing to:

Local Government Elections Reform
Ministry of Community, Sport and Cultural Development
PO BOX 9847 STN PROV GOVT
Victoria BC V8W 9T2

I will also take this opportunity to remind you that the White Paper on Local Elections Reform released in September 2013 provided a draft version of the proposed new *Local Elections Campaign Financing Act*, intended for introduction in the Legislature in Spring 2014. If passed, the Act would make a significant number of changes, principally related to enhanced transparency, compliance and enforcement, for the November 2014 local elections.

Thank you in advance for your assistance.

Sincerely,



Coralee Oakes
Minister

Enclosure

pc: Director Rhona Martin, President, Union of British Columbia Municipalities

November | 2013

Expense Limits in Local Elections
Discussion Paper



Ministry of
Community, Sport and
Cultural Development

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EXECUTIVE SUMMARY

The Local Government Elections Task Force, a partnership between the Province and the Union of BC Municipalities, was created to recommend changes to local elections rules. One of the 31 recommendations in the Task Force's May 2010 final report was that the Province establishes expense limits for candidates, elector organizations and third party advertisers in local elections.

The Government of British Columbia intends to introduce expense limits in time for the next local elections after November 2014.

As noted in the [White Paper on Local Government Elections Reform](#), government initiated targeted stakeholder engagement on expense limits issues in November 2013. Government will use information gathered through this process to inform the development of expense limits. While it may seem early to be talking about expense limits issues, it is important to be prepared to introduce legislation early enough that campaign participants are ready for expense limits and the new rules.

This discussion paper outlines the policy building blocks for expense limits and some of the complex policy issues involved in the legislative framework for expense limits. It also provides discussion questions. The appendices contain information on trends in local campaign spending in B.C., and on other provinces' approaches to expense limits for local elections.

How do I give my feedback?

Please provide your written comments by January 31, 2014.

Website: www.localgovelectionreform.gov.bc.ca

Email: localgovelectionreform@gov.bc.ca

Mail: Local Government Elections Reform
Ministry of Community, Sport and Cultural Development
PO BOX 9847 STN PROV GOVT
Victoria BC V8W 9T2

INTRODUCTION

Why expense limits in local elections?

The Local Government Elections Task Force, a partnership between the Province and the Union of BC Municipalities, was created to recommend changes to local elections legislation. One of the 31 recommendations in the Task Force's May 2010 [final report](#) was that the Province establishes expense limits for candidates, elector organizations* and third party advertisers in local elections.

In reviewing written submissions and listening to the dialogue on elections issues, the Task Force heard a great deal of support for establishing expense limits in local elections. The Task Force believed that expense limits could increase accessibility and fairness by levelling the playing field among candidates; encouraging candidate participation; and reducing the need for large contributions to fund expensive campaigns.

The provincial government accepted the Task Force's recommendations and committed to implementing them -- including expense limits.

What is happening with expense limits?

Timing: The Province released a [White Paper on Local Government Elections Reform](#) in September 2013. The White Paper provided a draft version of the proposed new *Local Elections Campaign Financing Act*, to be introduced in the Legislature in Spring 2014. If passed, the Act would put into place the majority of the Local Government Elections Task Force's recommendations in time for the November 2014 local elections. These changes are focused on improved accountability, transparency, compliance and enforcement. The draft Act applies to local government and board of education elections.

For more detail on the changes proposed for 2014, please see www.localgovelectionreform.gov.bc.ca

The draft *Local Elections Campaign Financing Act* represents Phase I of campaign finance reform in BC local elections. Phase II involves introducing expense limits legislation in time for the next local elections *after* 2014. The phased approach will allow campaign participants, local elections administrators and others to adapt to the changes before adding spending limits to the local elections system. The phased approach also allows more time for discussion of expense limits issues before any decisions are made.

Stakeholder engagement: As noted in the White Paper, government initiated targeted stakeholder engagement on expense limits issues in November 2013. Government will use information gathered through this process to inform the development of expense limits. The intent is to introduce legislation for expense limits *after* the November 2014 local elections. While it may seem early to be talking about expense limits issues, it is important to be prepared to introduce legislation early enough that campaign participants are ready for expense limits and the new rules to make the limits work.

* Elector organizations are groups that promote candidates in local elections. They are sometimes referred to as municipal 'political parties.' Elector organizations endorse candidates. The organization's endorsement appears on the ballot next to candidates' names. Elector organizations regulated under the legislation -- e.g. currently they must have at least 50 members that are electors in the municipality and have existed for at least 60 days, and they must file campaign finance disclosure statements. See the ministry's [guide](#) for more information.

BACKGROUND ON EXPENSE LIMITS FOR B.C. LOCAL ELECTIONS

What are the guiding concepts on expense limits?

In accepting the Task Force's recommendation to establish expense limits, the provincial government has been taking the Task Force guidance for developing expense limits as a starting point. The Task Force laid out some objectives or outcomes it thought should shape expense limits. The Task Force recommended that expense limits:

- be high enough to allow reasonable campaigns, but not so high as to allow a few participants to dominate,
- need to work in different sized communities (i.e. a formula-based approach would make sense, but a straight per resident formula would not be effective), and
- have a neutral effect on candidates' decisions to run independently or to create/join elector organizations.

The Task Force recognized that campaign spending was quite low in the majority of BC's communities. However, for fairness reasons the Task Force felt it was important to have expense limits in all communities. The Task Force suggested that expense limits be set in a way that reflects population size in order to make the limits effective and fair in all BC communities (ranging in population from about 180 people to more than 600,000 people).

The Task Force also emphasized that expense limits should not "punish" or "reward" candidates that are endorsed by elector organizations. The Task Force saw that while the majority of BC communities do not have elector organizations, where elector organizations do exist, they are a fairly prominent part of elections in the community. The Task Force did not want expense limits to provide an incentive to create more elector organizations (or splinter existing ones) simply for the sake of obtaining higher "spending room." It would also be unfair to independent candidates (who are not endorsed by elector organizations) if elector organizations got additional limits beyond what candidates get.

The Task Force assumed that the Province would establish expense limits. In some other provinces, local governments have the power to, by by-law, set their own campaign finance rules. The Task Force also recommended that Elections BC enforce campaign finance rules in local elections, so that means Elections BC would enforce expense limits.

The following are some of the key policy concept coming out of the Task Force's guidance:

- expense limits need to work for all communities
- candidates and third party advertisers would be subject to expense limits
- elector organizations would not get expense limits over and above candidates' limits
- expense limits would be sensitive to population size
- expense limits would also apply in board of education elections
- the Province would set expense limits
- Elections BC would enforce the limits as part of its role in enforcing campaign finance rules

How can I add to the expense limits discussion?

The purpose of stakeholder engagement on expense limits is to explore how best to set expense limits that work for all communities. The Province will need to decide on the approach to setting expense limits numbers, and on the related “framework” rules.

You are invited to share your thoughts on expense limits issues. Below are some questions the Province would like to explore. Feel free to answer as many of the questions as you wish, and to give feedback on issues you would like to raise that are not covered by the questions below.

For additional background, please see Appendix 1 (Facts on Campaign Spending in B.C.) and Appendix 2 (Expense Limits in Local Elections in Other Provinces).

Discussion questions

Questions about campaigning

- In your community, do you think the cost of campaigning is a deterrent to people considering running for office?
- What are the most significant cost pressures in local campaigns?
- Are campaign finance issues different in small communities than in large communities, and if so, in what ways?
- Are campaign finance issues different for board of education elections than for local government elections?
- Do you think social media will impact (raise or lower) campaign spending? Why or why not?

Questions about the policy “starting point” for expense limits

The Task Force provided some policy guidance on expense limits, suggesting that limits

- be high enough to allow reasonable campaigns, but not so high as to allow a few participants to dominate,
 - need to work in different sized communities (i.e. a formula-based approach would make sense, but a straight per resident formula would not be effective), and
 - should have a neutral effect on candidates’ decisions to run independently or to create/join elector organizations.
- Do you think that these objectives are a reasonable starting point for expense limits? Is there anything you would change about these objectives, or anything important missing?
 - Page 2 shows the key policy concepts coming out of the Task Force’s guidance. Would you change any of these?

Questions about possible expense limits models

- In the two other provinces where the provincial government sets expense limits for local elections, the limit is established by a formula with a “base” amount and additional amounts for each elector. For example, in Ontario, the limit for a mayoral candidate is \$7,500, plus 85 cents per elector and \$5,000 plus 85 cents per elector for council candidates. The same formula for all

communities results in different *limits* in each community depending on population.

- Does the concept of a base amount, plus additional “per resident” amounts, seem like a reasonable approach in BC?
- Or are there other, simpler models to consider? For example, would “tiered” limits (the same limit for all communities under 5,000 or so people, a higher limit for all communities of 5,000 to 10,000 people, and so on) be a better approach?
- If a model were established that resulted in different limits in each community (such as a base plus per resident model), would you support the Province making things simple for candidates and local governments by calculating the limit in each community and providing notice of the limits?
- Are there other, additional factors beyond population that should be taken into account when setting expense limits?
- How should board of education candidate limits be set? Should they be connected to the limits for council candidates (i.e. the same as a council candidate’s limit)? If so, what happens when the boundaries of school districts do not line up with municipal boundaries?
- Would it make sense for third party advertisers’ limits to be connected to the limits for candidates in the community where the third party is conducting advertising?

What other factors must be considered in developing expense limits?

Establishing expense limits requires some basic policy decisions – who limits apply to, how much the limits are and how they are set. In addition to considering those basic policy decisions, government will also need to address a host of related “framework” issues. For expense limits to be effective, there will need to be rules in the legislation that set out in detail how expense limits are managed and enforced.

For example, following the Task Force guidance, elector organizations would not have a separate expense limit over and above expense limits for candidates. Framework rules would be needed to manage the relationship between candidates and the elector organizations that endorse them. Questions such as who can incur expenses (the elector organization, the candidate, or both) raise further questions, such as who is responsible if there is over-spending?

Some complex policy issues stem from the need to make sure that expense limits can’t be circumvented. For example, policies will be needed for candidates that share advertising (or other campaign expenses, like candidate meet-and-greets). The legislation would still allow candidates to work together informally as a “slate” (i.e. outside of an elector organization), but rules to prevent collaborating for the purposes of working around expense limits would be needed. For example, it would be unfair for a candidate with left over “spending room” to pay for advertising promoting another candidate who has already reached his or her expense limit. Rules about how to attribute shared expenses fairly amongst candidates would be needed.

In designing expense limits for local elections, there are constitutional issues to consider. For example, a number of Canadian court cases have upheld the general principle that regulating third party advertising during elections is an acceptable limitation on freedom of speech. However, rules for third parties must strike a reasonable balance between regulation and not unduly impairing freedom of speech. Other legal factors (such as protection of privacy) will have to be considered.

These policy issues are flagged in this paper to provide a preview of the types of policy decisions government will need to make, over and above deciding what the actual limits amounts in each community should be. It is not as simple as just adding the limits numbers or formula into a piece of legislation.

Next steps – what happens with the feedback from stakeholders?

In addition to seeking feedback on this paper, the Minister of Community, Sport and Cultural Development will also be speaking to the Union of BC Municipalities and its area associations between November 2013 and late January 2014. Views of the B.C. School Trustees Association will also be sought, as will views of other campaign participants, such as elector organizations. In Spring 2014, a summary of information received will be published. The Province will consider the results of this targeted stakeholder engagement when developing expense limits and related “framework” rules.

Next steps - how would expense limits be implemented?

The White Paper on Local Government Elections Reform (issued September 2013) details a proposed new Act for local elections campaign finance - the draft *Local Government Campaign Financing Act*. If passed by the Legislature in Spring 2014, the Act would bring into force a number of major changes in place in time for the November 2014 local elections. Those changes are focused on improved transparency, improved campaign finance disclosure and a role for Elections BC in enforcement of campaign finance rules in local government elections.

The *Local Government Campaign Financing Act* is Phase I of local elections campaign finance reform.

For Phase II, the government intends to develop local elections campaign expense limits in time for the next local elections *after* November 2014.

Introducing expense limits requires legislation. The *Local Government Campaign Financing Act* would be amended to establish expense limits and related policy rules. Like all legislation, expense limits amendments would be tabled for the Legislature’s consideration.

How do I give my feedback?

Please provide your written comments by January 31, 2014.

Website: www.localgovelectionreform.gov.bc.ca

Email: localgovelectionreform@gov.bc.ca

Mail: Local Government Elections Reform
Ministry of Community, Sport and Cultural Development
PO BOX 9847 STN PROV GOVT
Victoria BC V8W 9T2

Appendix 1: Facts on Campaign Spending in B.C.

Considering the context

In addition to considering the Task Force's policy guidance on expense limits, it is important to consider campaign spending trends in BC.

There are over 1,660 elected positions in over 250 government bodies filled during local elections. Typically, around 3,000 candidates run for these offices. Comparing campaign spending across communities and over multiple years is currently difficult because there is no central place to find all campaign finance disclosure statements for municipal, electoral area director (regional district electoral area) and board of education candidates.¹

Other factors add complexity:

- Support from campaign organizers* might have led to some candidates' spending being lower than it would otherwise have been. The precise amount of support received from campaign organizers cannot accurately be factored into candidate spending figures.
- Not all spending disclosed in campaign finance disclosure statements was done during the campaign period. For example, a portion of the costs for "paid campaign work" in some electoral organizations' disclosure forms was probably for having paid staff in the years in between elections. Maintaining an organization in between elections is certainly relevant to the campaign; however, actual spending during campaign time may be lower than it appears from disclosure statements.
- "Average" spending may not present a full picture of what it typically costs to campaign in a community. For example, one or two "outlier" candidates who spend much more than their competitors affect calculations of average spending for that community. Similarly, it is reasonable to guess that candidates who spent nothing and got almost no votes probably didn't actually campaign; such candidates would skew the average downwards.
- Campaign finance disclosure statements may not disclose spending fully and accurately.

These caveats aside, looking at a sample of municipal election spending reveals some general trends.

Trends in municipal campaign spending

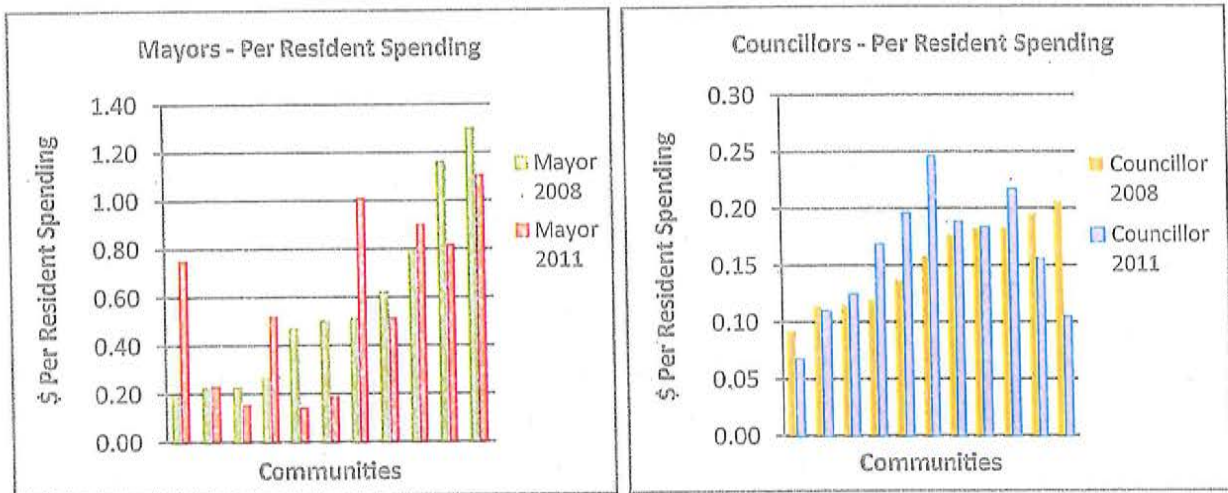
Overall, spending is fairly low. To gauge how much was spent by people who ran competitive campaigns, a sample of spending by "contenders" was taken. Only the top two-thirds of candidates closest to winning a seat were classified as contenders. Including people who may have spent nothing, and also got almost no votes (indicating that they possibly did not campaign at all) would lead to a less realistic estimate of what it costs to be competitive.

¹ The draft *Local Elections Campaign Financing Act* would make all campaign finance disclosure statements available through Elections BC.

* Campaign organizers are individuals or groups that promote or oppose candidates or points of view during elections. A campaign organizer must identify itself to the local chief election officer once it raises contributions, or incurs expenses, valued at \$500 or more. Campaign organizers must also file campaign finance disclosure statements. Unlike electoral organizations, campaign organizers do not necessarily have a relationship with candidates they support or oppose. See the ministry's [guide](#) for more information. The proposed *Local Elections Campaign Financing Act* would discontinue the concept of campaign organizers, instead regulating "third party advertisers."

In this sample of spending in communities of various sizes by almost 500 contenders for mayor and council seats, only 8% of candidates spent more than \$50,000. 31% spent less than \$2,000.

Spending is not that predictable. Overall, spending seems to be driven mostly by the political dynamics in a particular community in a particular election. "Hot races" can mean more spending in a community in compared to elections in other years. Conversely, if fewer candidates run in an election, or if electors are less interested in the candidates or issues, spending might go down. Spending does not necessarily go up by a predictable amount each election. The following charts provide an illustration of 2008 vs. 2011 election spending in a random sample of 11 communities of various sizes. The charts demonstrate some of the potential variability in per resident spending from one election to the next.



Spending is not only variable from one election to the next, but it is also quite variable between communities of similar size. For example, the following table shows what candidates spent per resident spending differences in two sample communities in two different size groupings in 2011.

Sample of Candidate \$ Per Resident Spending in Two Community Sizes

Communities 4,000 to 5,500 people:

Community	Mayor	Council
A	\$5.56	\$1.11
B	\$0.21	\$0.63

Communities 75,000 to 80,000 people:

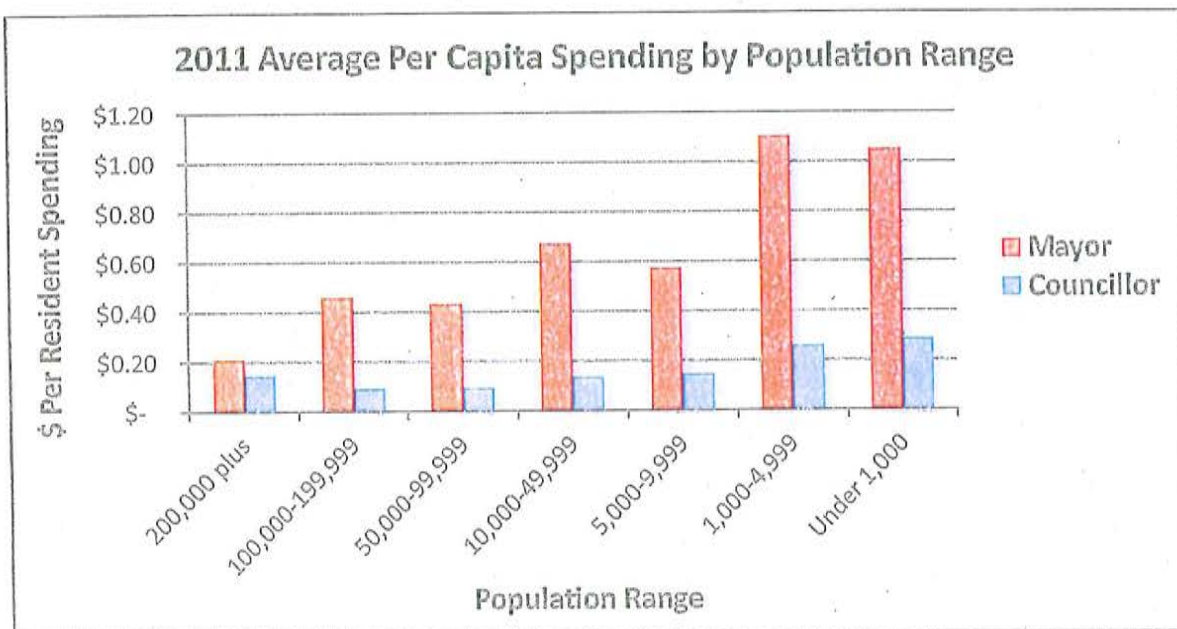
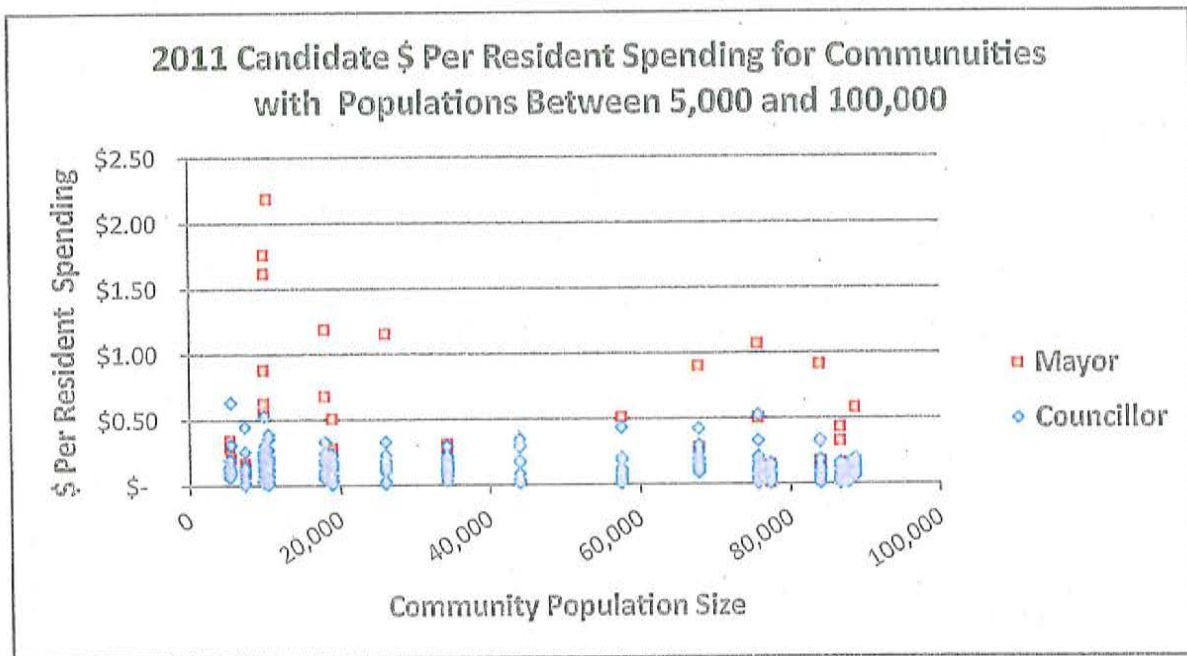
Community	Mayor	Council
C	\$0.79	\$0.12
D	\$0.08	\$0.07

These examples suggest that

- spending in smaller communities can be high relative to the community's population, and
- spending in a community can be high relative to other similarly-sized communities.

Some candidates spend a lot more than their competitors. In communities of any size, some candidates are spending “outliers” compared to their competitors.

Mayoral candidates spend more than council candidates. Council candidates compete for one of several seats. The mayor’s race is “winner take all” and may be more easily influenced by high spending in a tight race. In a sample of 492 disclosure statements from communities of all sizes in the 2011 election, mayoral candidates spent an average of almost 4 times more per resident than what council candidates spent (\$0.64 per resident and \$0.17 per resident respectively).



In addition to showing that mayoral candidates spend more than council candidates, the previous chart shows that per resident spending may be higher in small communities. Relatively higher per resident spending in smaller communities probably indicates that there is a certain base cost involved in campaigning, and possible economies of scale in larger communities.

Spending in Vancouver is uniquely high and appears to increase each election. In 2008, spending by all elector organizations that had at least one endorsed candidate elected, plus the spending disclosed by their endorsed candidates (whether elected or not), totalled about \$4.5 million. In 2011, the total was about \$5.3 million. Total spending in Vancouver is far higher than spending in any other community in BC.

Vancouver elections are unique in several ways. Vancouver is the most populous city, with almost 178,000 more people than the next largest city. Vancouver sees a consistently large number of candidates for all offices each year. It also has an elected parks board. No independent candidates were elected in 2008 or 2011. Vancouver also has longstanding tradition of elector organizations, with an apparent trend towards more formal operation (e.g. paid staff).

Other observations:

In municipal elections, elected candidates almost always spent money to campaign; generally, they spent more money than those who were not elected. There are exceptions – candidates far outspending their competitors yet failing to obtain a seat, or candidates spending nothing and still obtaining a seat. It is difficult to say whether spending money “leads” to getting elected, though, because some low-spending unsuccessful candidates may not have put much effort into free and/or low-cost methods of campaigning.

Electoral area director candidates (in regional districts) tend to spend less than council candidates. Board of Education candidates also generally spend less than council candidates.

So what do these trends mean for setting limits?

Campaign spending trends (as well as more detailed spending data) will be considered in developing an approach for setting expense limits. For example, since mayoral candidates spend more than council candidates, a higher limit for mayoral candidates would make sense. Limits should also take into account the basic campaign cost evident even in the smallest town.

Appendix 2: Expense Limits in Local Elections in Other Provinces

Which provinces have expense limits in local elections?

- Ontario – all local governments
- Quebec – local governments with populations over 5,000
- Manitoba – all local governments
- Saskatchewan - some local governments
- Newfoundland & Labrador – some local governments (St. John’s)

Who sets the limits?

There are three basic approaches to setting expense limits:

- The province adopts **provincial legislation** setting the limits (Ontario, Quebec)
- The province **requires** municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits (Manitoba requires all local governments to adopt a bylaw)
- The province **allows** municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits (Saskatchewan, Newfoundland & Labrador)

What do the limits have in common?

Generally, the limits are sensitive to population. In provinces that set the limit, there is a formula involving a base amount plus a per elector amount. In most examples where the municipality sets the limits, the limit takes into account the number of electors.

In all cases where the limits are sensitive to population, municipalities are responsible for determining the number of electors in the jurisdiction/wards (usually through their municipally-maintained voters’ lists), calculating the limits and informing candidates of their limits.

Where formulas are used, they generally have a provision for inflation tied to the Consumer Price Index. Except for in Quebec, enforcing the limits is a local responsibility.

Caveats when looking at limits

It is difficult to compare limits because different provinces have very different rules as to how an election expense is defined, which election expenses actually count against the expense limit, and how long the period is in which spending is capped.

It can also be difficult to compare limits across jurisdictions because some cities are divided into wards. Under a ward system, council candidates compete to represent a geographically defined part of the city; usually the mayor is elected “at large” by voters across the city. Typically a candidate would not need very high limits if they are campaigning in only a small area. Toronto, Montreal and Winnipeg have wards. Currently only one BC local government uses a ward system.

In some provinces, local governments maintain a list of electors. Maintaining a voters list is not mandatory in BC. Many local governments do same-day registration.

Ontario

Provincial legislation sets the limits. Limits set by the *Municipal Election Act* apply to all local governments. The formula is the same for Toronto and for all other local governments.

Formula

Mayor - \$7,500 + 85 cents per elector

Council candidate - \$5,000 + 85 cents per elector

School board trustee candidate - \$5,000 + 85 cents per elector

Examples – 2010 elections

Toronto (2.5 million people*)

Mayor - \$1.3 million (elected at large)

Council candidates in Ward 7 - \$27,464 (Ward 7 just one example; Toronto has 44 wards)

Mississauga (668,550 people*)

Mayor - \$319,664

Council candidates - \$27,000 to \$39,000, depending on ward populations

School trustees - \$23,000 to \$45,000

Timmins (42,997 people*)

Mayor - \$35,549

Council candidates - \$7,000 to \$19,000 depending on ward populations

Other notes on expense limits in Ontario

There is no regulation of third parties and no spending limits for third parties.

The 2010 local elections were the first with spending limits in place.

City administrators calculate the limits based on the estimated number of electors on the municipally-maintained voters' list and notify candidates of their limits.

Candidates' financial statements must be audited by an independent auditor before they can be filed. Enforcement of campaign finance rules is essentially a local matter.

* 2006 census population provided for sense of scale. Not all residents counted in the census would be qualified electors.

Quebec

Provincial legislation sets the limits. The limit formula is the same for all local governments.

Formula

Mayor – base of \$3,780, plus 30 cents per elector up to 20,000 electors; 51 cents for each elector from 20,000 to 100,000 and 38 cents per elector for each elector over 100,000 electors

Council candidate – base of \$1,890, plus \$0.30 per person

Municipalities under 5,000 people are generally exempt from campaign finance rules, except for limits on how much an individual can contribute and a requirement to disclose names of contributors.

Other notes on expense limits in Quebec

Quebec amended the provincial legislation to reduce the spending limits by about 30 per cent of the previous limits. The 2013 elections were held under the new, lower limits.

Third party advertising is extremely tightly regulated. It is essentially prohibited for third parties to support candidates in ways that involve expenditure of funds (advertising, rallies, etc.). A group of electors (individual citizens) may apply for “private intervener” status during an election, but may only spend up to \$300 and may only disseminate a non-partisan message on a matter of public policy (e.g. private intervener groups are forbidden to promote/oppose candidates.

Municipalities appear to be responsible for maintaining a list of electors.

Elections Quebec enforces the campaign finance rules, including expense limits.

Quebec has 1,103 municipalities. Expense limits apply in municipalities over 5,000 people. There are 185 municipalities with a population of 5,000 or more. Those 185 municipalities cover 88% of Quebec’s total population.

There are just over 900 municipalities with fewer than 5,000 people. Municipalities under 5,000 people have no spending limit, and no rules regarding expenses.

Manitoba

Provincial legislation requires municipalities to adopt a bylaw with campaign expense limits (and other campaign finance rules, such as contribution limits); the municipality chooses the limits.

Example – formula in City of Winnipeg Bylaw (population about 633,450)

Mayor - 35 cents per elector in the city (adjusted using consumer price index) – mayor limit in 2010 about \$150,000

Council candidate - 90 cents per elector in the ward (adjusted using consumer price index)

Example - City of Brandon Bylaw (population about 46,000; flat rate limit/no formula)

Mayor - \$16,000

Council candidate - \$4,000

Other notes on expense limits in Manitoba

Third party advertising is not specifically regulated or subject to expense limits. However, in the City of Winnipeg, expenses incurred by any individual, corporation, organization or trade union “acting on behalf of” a registered candidate count against the candidate’s expense limit.

Winnipeg has had spending limits since 1990. Enforcement is essentially a local matter.

Saskatchewan

The Province allows municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits

Example - City of Regina bylaw. Set limit (no formula specified in bylaw, though probable that a formula involving population was used to arrive at the limit)

Mayor - \$62,635

Council candidate - \$10,439

Newfoundland & Labrador

The Province allows municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits. Candidates do not actually have to file an accounting of their expenses; they instead declare that they did not exceed the limits.

Example - City of St. John’s bylaw.

Mayor and councillor candidates - \$10,000 base amount, plus \$1 per voter listed on the voters list in the ward or at-large area. Works out to around \$80,000 for mayors and \$25,000 for councillors.

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2726

A bylaw to amend Corporation of the City of Courtenay Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2726, 2013”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) By rezoning Lot 15, Block 5, Section 68, Comox District, Plan 16252, as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential One Zone (R-1) to Residential One S Zone (R-1S); and
 - (b) That Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 4th day of November, 2013

Read a second time this 4th day of November, 2013

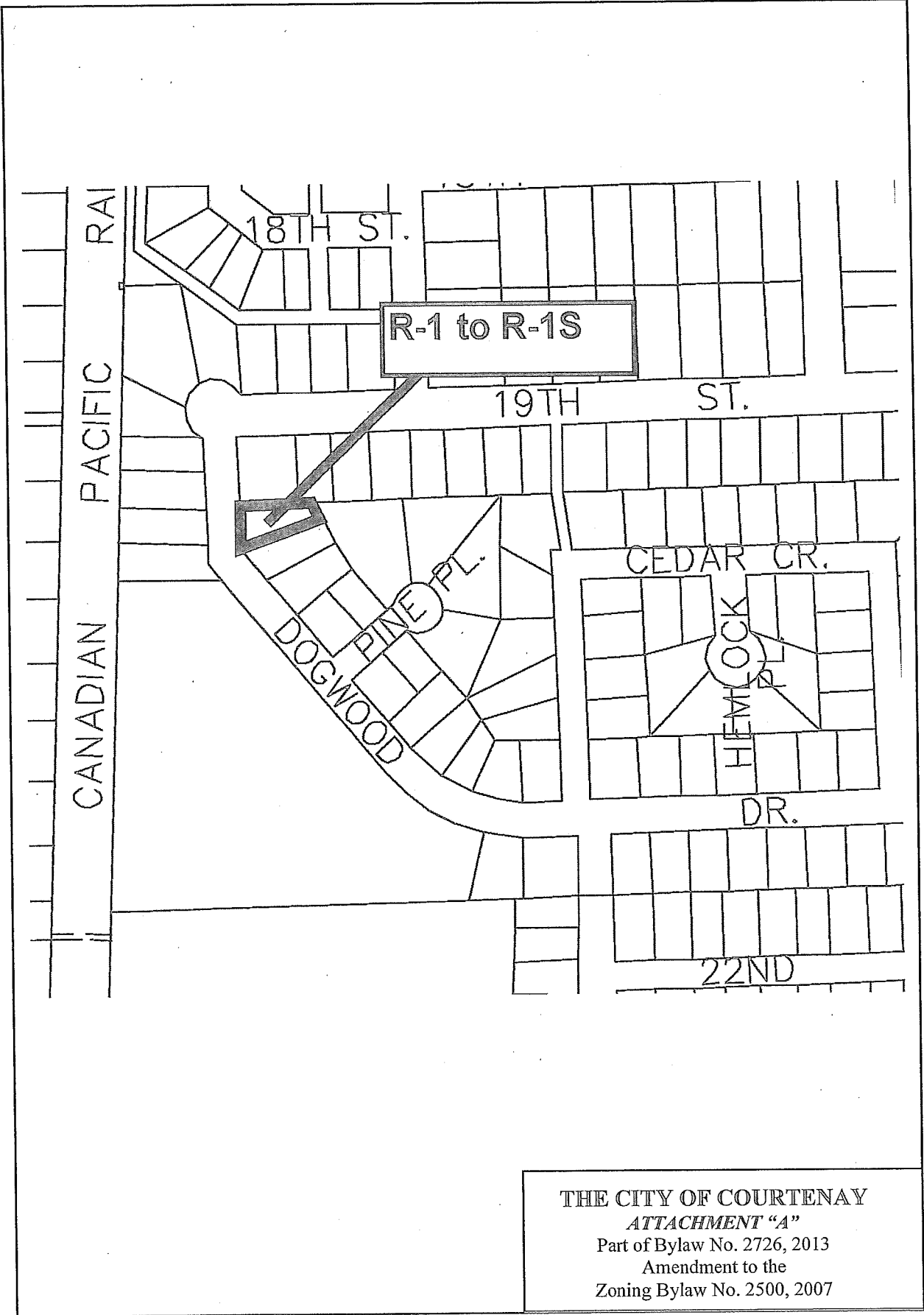
Considered at a Public Hearing this 16th day of December, 2013

Read a third time this day of , 2013

Finally passed and adopted this day of , 2013

Mayor

Director of Legislative Services



THE CITY OF COURTENAY
ATTACHMENT "A"
Part of Bylaw No. 2726, 2013
Amendment to the
Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2768

A bylaw to amend Corporation of the City of Courtenay Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2768, 2013".
2. That "Zoning Bylaw No. 2500, 2007" be hereby amended as follows:
 - a) by rezoning Lots 1 and 2, Block 1, Section 67, Comox District, Plan 9900 from Residential-Rural to Residential Four A (R-4A);
 - b) by rezoning Lot 3, Block 1, Section 67, Comox District from Residential One (R-1) to Residential Four A (R-4A); and
 - c) by rezoning Lot 4, Block 1, Section 67, Comox District, Plan 9900 from Country Residential One (CR-1) to Residential Four A (R-4A),

as shown on Attachment A which is attached hereto and forms part of this bylaw.

3. That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.
4. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7th day of October, 2013

Read a second time this 7th day of October, 2013

Considered at a Public Hearing this 21st day of October, 2013

Read a third time this 21st day of October, 2013

Finally passed and adopted this day of , 2013

Mayor

Director of Legislative Services

Attachment A to "Zoning Amendment Bylaw No. 2768, 2013"

