



BOARD REPORT

TO: Chair and Directors

File No: BL5798, 2019

SUBJECT: Alternative Approval Process – North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Area Establishment

DESCRIPTION: Report from Jennifer Sham, Assistant Deputy Corporate Officer, dated June 4, 2019.

RECOMMENDATION #1: THAT: for the purpose of obtaining approval for the North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area Establishment Bylaw No. 5798, 2019, using the Alternative Approval Process, eight hundred eighty five (885) be used as the fair determination of 10% of the eligible number of electors within the service area (Electoral Areas C and F, excluding Seymour Arm), this 20th day of June, 2019.

RECOMMENDATION #2: THAT: the North & South Shuswap Community Arts, Recreation and Culture Programs Alternative Approval Process Elector Response Form be approved by the Board in the form attached to this report, subject to the North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area Establishment Bylaw No. 5798, 2019, being approved by the Inspector of Municipalities by Tuesday, July 2, 2019, this 20th day of June, 2019.

RECOMMENDATION #3: THAT: the deadline for receipt of submissions of Elector Response Forms for the Alternative Approval Process conducted for the North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area Establishment Bylaw No. 5798, 2019, be 4:00 PM, Wednesday, August 21, 2019, this 20th day of June, 2019.

SHORT SUMMARY:

The Community Charter sets out specific requirements for conducting an Alternative Approval Process (AAP). The Board must 1) establish the deadline for receipt of elector responses; 2) establish elector response forms; and, 3) make a fair determination of the total number of electors of the area to which the approval process applies. The three staff recommendations above meet the AAP requirements for the proposed North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area Establishment Bylaw No. 5798, 2019.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

At the May 16, 2019 Board meeting, the following resolutions were adopted:

THAT: "North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area Establishment Bylaw No. 5798, 2019" be read a first, second and third time this 16th day of May, 2019.

THAT: the Board endorse the alternative approval process in accordance with Section 345(1)(a) of the Local Government Act as the method to obtain the assent of the electors for the establishment of a North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service identified in Bylaw No. 5798, 2019.

THAT: the Board provide that the participating area approval relative to the North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service is to be obtained for the entire service area (on an area-wide basis).

The North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area Establishment Bylaw No. 5798, 2019 has been submitted to the Inspector of Municipalities for approval. An Alternative Approval Process cannot proceed until the Inspector's approval is received.

In an AAP, eligible electors (those electors who meet the same requirements for participation as in an election or referendum) register their opposition to the initiative by completing an Elector Response Form and submitting it to the Corporate Officer before the deadline, rather than attending a voting place and casting a ballot. Faxed or emailed submissions of the form are not accepted.

Pursuant to the Local Government Act and the Community Charter, the requirements of an eligible elector are:

- 18 years of age or older;
- Canadian citizen;
- resident of BC for at least 6 months immediately preceding July 12, 2019;
- resident of OR registered owner of real property within the proposed North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area of the Columbia Shuswap Regional District for at least 30 days immediately prior to July 12, 2019; and,
- not otherwise disqualified by law from voting.

Approval is received if less than 10% of the eligible electors within the proposed service area sign and submit an Elector Response Form by the AAP deadline.

Section 86 of the *Community Charter* sets out specific requirements for conducting an AAP. The Board must:

- (a) Establish the deadline for receipt of elector responses. The deadline can be no sooner than 30 days after the second publication in the local newspaper.
- (b) Establish elector response forms. The forms must include: (i) a general description of the proposed bylaw, (ii) a description of the area to which the approval process applies, (iii) the deadline for elector responses, (iv) a statement that the Board may proceed with service establishment unless at least 10% of the electors of the area submit elector response forms by the deadline, (v) a statement that the responses must be in the form approved by the Board, where the forms are available and that

only eligible electors are entitled to sign; (vi) the number of elector responses required to prevent the Board from proceeding with adoption without conducting an assent voting opportunity (referendum).

(c) make a fair determination of the total number of electors of the area to which the approval process applies.

Deadline for Submission

The Board must establish the deadline during which qualified electors are required to submit the Elector Response Forms if electors are opposed to adopting Bylaw No. 5798, 2019.

The deadline for submission of elector response forms may be no sooner than 30 days after the second publication in the local newspaper. If the Inspector of Municipalities has approved Bylaw No. 5798, 2019 by July 2, 2019 it is proposed that the Statutory Notice of Alternate Approval Process be published for two consecutive weeks (the weeks of July 12 and July 19, 2019, with the last statutory Notice being published by Friday, July 19, 2019. By setting the deadline for submission of elector response forms as Wednesday, August 21, 2019, electors will have no less than 30 days from the last newspaper publication to sign the submission form and submit it to the CSRD Corporate Officer. Any Elector Response Forms received after the deadline has passed cannot be counted.

Although an elector response form is not considered the same as the ballot used in a general local election, bi-election or in assent voting; local government corporate officers have a duty to keep the forms secure during the AAP. Local governments must also ensure the elector response forms and the personal information they contain are retained in accordance with the Freedom of Information and Protection of Privacy Act.

After the AAP deadline has passed, the local government's corporate officer must determine and certify whether the valid elector response forms submitted met or exceeded the 10% threshold established for the AAP. This determination of the corporate officer is final and conclusive. When 10% or more of the eligible electors sign and submit response forms, local governments cannot proceed with the proposed matter without first holding an assent voting opportunity (referendum). Proceeding to an assent vote would require that voting occur no later than 80 days after the deadline established for electors to submit the elector response forms during the Alternative Approval Process (November 8, 2019).

Elector Response Form

A draft Elector Response Form is attached to this report for the Board's approval.

Electors are required to submit a completed Elector Response Form to the CSRD by either mail or hand delivery, by the deadline date of 4:00 PM, Wednesday, August 21, 2019. Faxed or emailed forms are not accepted.

Elector Response Forms will be made available on the CSRD website and at the CSRD throughout the AAP process.

All Elector Response Forms submitted by electors will be reviewed by staff to ensure residency requirements and compliance with other requirements stated on the Response Form.

Fair Determination of the Number of Electors

Section 86(3) of the Community Charter requires that the Board make a fair determination of the total number of electors within the area to which the Alternative Approval Process applies.

With respect to determination of the number of electors within the proposed service area, a fair estimate was arrived at using Statistics Canada Census data from the last census (2016). The following is an estimate of the total number of Canadian Citizens who are 18 years of age or older (eligible electors), within Electoral Areas C and F (excluding Seymour Arm):

Area C

Total Population = 7,921

Canadian Citizens, 18 years of age or older = 6715

10% = 671

Area F

Total Population = 2,454

Canadian Citizens, 18 years of age or older = 2,235

Minus Number of Residents 18 years of age or older in Seymour Arm (95) = 2,140

10% = 214

10% of the population who are Canadian Citizens and 18 years of age or older within the proposed service area = 885

Based on the fair determination of the Number of Electors, if less than 885 Elector Response Forms are signed and submitted before the AAP deadline (10% of the eligible electors within Electoral Areas C and F, excluding Seymour Arm), the Board will be in a position to consider adoption of North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Area Establishment Bylaw No. 5798, 2019.

A description of the proposed service area on Schedule A of the attached Bylaw No. 5798.

POLICY:

Community Charter and Local Government Act.

There are legislative requirements to consult with the public. Sections 86 *and* 94 of the Community Charter state that notice of the approval process must be posted in the public notice posting places and published in a newspaper that is distributed at least weekly in the areas affected and must be published once per week for 2 consecutive weeks.

The advertised notice must include:

- a general description of the bylaw, agreement, or other matter;
- a statement that the local government may proceed unless more than 10% of the electors sign an elector response form;
- a description of the area to which the alternative approval process applies;
- the deadline by which elector response forms must be submitted;
- an estimate of the number of electors in the area to which the alternative approval process applies that would constitute 10% of the total electors; and,
- a statement that: elector response must be given in the form established by the local government; the forms are available at the local government offices; and the only persons entitled to sign the forms are the electors of the area to which the AAP applies.

FINANCIAL:

The cost estimate for advertising of statutory public notices for the Alternative Approval Process is approximately \$2,500. The statutory public notice is a publication of Notice of the AAP and a synopsis of the bylaws, in two (2) consecutive issues of the newspaper circulating in each of the proposed service areas. There is one area newspaper (Shuswap Market News) circulating in Electoral Areas C and F. Additionally, staff will endeavour to advertise in The Kicker and the South Shuswap Scoop, with an estimated cost of \$500.

In terms of the service, the annual costs for this service will be recovered through the collection of taxes levied against the value of land and improvements for those properties within the boundaries of the service area. The Service Area Establishment Bylaw proposes the following customized cost apportionment formula amongst the service area participants for the year 2020:

Electoral Area C = 87%

Electoral Area F, excluding Seymour Arm = 13%

Further, commencing in 2021 and annually thereafter, the apportionment shall be adjusted based upon the enrolment of registrants from the service area in arts, recreational and cultural programs for the year prior, submitted to the Columbia Shuswap Regional District on an annual basis.

COMMUNICATIONS:

Once the CSRD is notified that Bylaw No. 5798, 2019 has been approved by the Inspector of Municipalities, the required statutory advertising of public notices will be published in local newspapers, CSRD website, and social media. Further, a press release will be issued, and periodic reminders of the deadline to submit will be posted on the CSRD website and social media.

Details of the Alternative Approval Process and the Elector Response Forms will be made available on the CSRD website and the CSRD office. After the submission deadline of August 21, 2019, it is expected that the results of the Alternative Approval Process will be reported at the September 19, 2019 Board meeting, and the bylaw scheduled for adoption.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations so that staff is in a position to advance the Alternative Approval Process upon receipt of Ministerial approval of the service establishment bylaw.

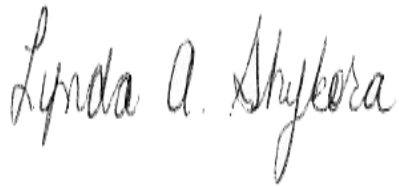
BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2019-06-20_Board_CA_NSSCARCP_AAP.docx
Attachments:	- Elector Response Form_NSSCARCP.pdf
Final Approval Date:	Jun 12, 2019

This report and all of its attachments were approved and signed as outlined below:



Lynda Shykora - Jun 12, 2019 - 10:22 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Jun 12, 2019 - 10:23 AM