



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> BL5800, 2019 BL5801, 2019
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**SUBJECT:** Alternative Approval Process – Centennial Field Community Park Service Establishment and Loan Authorization

**DESCRIPTION:** Report from Jennifer Sham, Assistant Deputy Corporate Officer, dated July 8, 2019.

**RECOMMENDATION #1:** 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 Centennial Field Community Park Service identified in Bylaw No. 5800, 2019, and to authorize the borrowing of funds for the purpose of acquiring Centennial Field Community Park identified in the Loan Authorization Bylaw No. 5801, 2019, this 18<sup>th</sup> day of July, 2019.

**RECOMMENDATION #2:** THAT: for the purpose of obtaining approval for the Centennial Field Community Park Service Establishment Bylaw No. 5800, 2019, and Centennial Field Community Park Loan Authorization Bylaw No. 5801, 2019, using the Alternative Approval Process, the Board approve six hundred seventy one (671) as the fair determination of 10% of the eligible number of electors within the service area (Electoral Area C), this 18<sup>th</sup> day of July, 2019.

**RECOMMENDATION #3:** THAT: the Centennial Field Community Park Alternative Approval Process Elector Response Form attached to this report, subject to both the Centennial Field Community Park Service Establishment Bylaw No. 5800, 2019 and Centennial Field Community Park Loan Authorization Bylaw No. 5801, 2019 being approved by the Inspector of Municipalities by Friday, August 9, 2019, be approved by the Board this 18<sup>th</sup> day of July, 2019.

**RECOMMENDATION #4:** THAT: the Board approve the 4:00 PM, Wednesday, October 2, 2019 deadline for receipt of submissions of Elector Response Forms for the Alternative Approval Process conducted for the Centennial Field Community Park Service Establishment Bylaw No. 5800, 2019 and Centennial Field Community Park Loan Authorization Bylaw No. 5801, 2019, this 18<sup>th</sup> day of July, 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 staff recommendations meet the AAP requirements for the proposed Centennial Field Community Park Service Establishment Bylaw No. 5800, 2019, and Centennial Field Community Park Loan Authorization Bylaw No. 5801, 2019.

**VOTING:**Unweighted  
CorporateLGA Part 14  
(Unweighted)Weighted  
CorporateStakeholder  
(Weighted)**BACKGROUND:**

At the June 20, 2019 Regular Board meeting, the following resolutions were adopted:

THAT: "Centennial Field Community Park Service Establishment Bylaw No. 5800, 2019", be read a first, second and third time this 20<sup>th</sup> day of June, 2019; and,

THAT: "Centennial Field Community Park Loan Authorization Bylaw No. 5801, 2019", be read a first, second and third time this 20<sup>th</sup> day of June, 2019.

Both the Centennial Field Community Park Service Establishment Bylaw No. 5800, 2019 (Bylaw No. 5800, 2019), and Centennial Field Community Park Loan Authorization Bylaw No. 5801, 2019 (Bylaw No. 5801, 2019) have 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.

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 August 23, 2019;
- resident of OR registered owner of real property within Electoral Area C of the Columbia Shuswap Regional District for at least 30 days immediately prior to August 23, 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 Form if electors are opposed to adopting Bylaw No. 5800, 2019, and Bylaw No. 5801, 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. 5800, 2019 and Bylaw No. 5801, 2019 by August 9, 2019, it is proposed that the Statutory Notice of Alternate Approval Process be published for two consecutive weeks (August 23 and August 30 editions), with the last statutory Notice being published by Friday, August 30, 2019. By setting the deadline for submission of elector response forms as Wednesday, October 2, 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 (December 23, 2019).

**Elector Response Form**

Two versions of the draft Elector Response Form are attached to this report for the Board's approval. One version allows for emailed submissions, while the other does not. If the Board does not adopt Policy A-73, Electronic Submissions Policy, which is being considered earlier in the July Regular Board meeting agenda, email submissions will not be accepted. If Policy A-73 is adopted, the version allowing email submissions will be the official version.

Electors are required to submit a completed Elector Response Form to the CSRD by either mail, hand delivery, or email<sup>1</sup>, by the deadline date of 4:00 PM, Wednesday, October 2, 2019. Faxed forms are not accepted.

Elector Response Forms will be made available on the CSRD website and at the CSRD office, 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.

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<sup>1</sup> Only applicable if the Board adopts Policy A-73, electronic submissions policy.

**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 Area C:

Area C

Total Population = 7,921

Canadian Citizens, 18 years of age or older = 6715

10% = 671

**10% of the population who are Canadian Citizens and 18 years of age or older within Electoral Area C = 671**

Based on the fair determination of the number of electors (10% of the eligible electors within Electoral Areas C), if less than 671 Elector Response Forms are signed and submitted before the AAP deadline, the Board will be in a position to consider adoption of both Centennial Field Community Park Service Establishment Bylaw No. 5800, 2019, and Centennial Field Community Park Loan Authorization Bylaw No. 5801, 2019.

**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.

Policy A-73, Electronic Submissions Policy

This policy is being considered earlier in the July Regular Board meeting agenda and if approved, will allow for AAP submissions to be sent via email to a specific email address.

**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 the proposed service area. There is one area newspaper (Shuswap Market News) circulating in Electoral Areas C. Additionally, staff will endeavour to advertise in the South Shuswap Scoop, with an estimated cost of \$300.

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 Electoral Area C. The proposed loan authorization bylaw would authorize the CSRD to borrow up to \$1,770,000 (including the 1% holdback for Municipal Financial Authority Debt Reserve Fund), with \$1,000,000 allocated from the Area C Parks Acquisition Reserve Fund, to purchase the subject properties. Bylaw No. 5801, 2019 proposes borrowing over a 25 year period.

**COMMUNICATIONS:**

Once the CSRD is notified that Bylaw No. 5800, 2019 and Bylaw No. 5801, 2019 have 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.

Staff are in the process of creating a "Frequently Asked Questions" information sheet to accompany the Elector Response Form. This information sheet will be available at the CSRD office and will be posted online on the CSRD website and on 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 October 2, 2019, it is expected that the results of the Alternative Approval Process will be reported at the October 17, 2019 Board meeting, and the bylaws 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 and loan authorization bylaws.

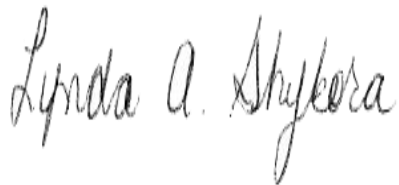
**BOARD'S OPTIONS:**

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

**Report Approval Details**

Document Title:	2019-07-18_Board_CA_BL5800_BL5801_AAP.docx
Attachments:	<ul style="list-style-type: none"><li>- Elector Response Form_centennial_park_aap_no_electronic_option.pdf</li><li>- Elector Response Form_centennial_park_aap_with_email.pdf</li><li>- 2019-06-20_Board_OM_61404016_Centennial_Field_Park_Service.pdf</li><li>- BL5800,2019 Centennial Field Service Establishment Bylaw.pdf</li><li>- BL5801, 2019 certified at third reading.pdf</li></ul>
Final Approval Date:	Jul 10, 2019

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



**Lynda Shykora - Jul 10, 2019 - 12:50 PM**

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

**Charles Hamilton - Jul 10, 2019 - 12:51 PM**