



# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL5798, 2019

**SUBJECT:** Electoral Area C & F: North & South Shuswap Community Arts Recreation and Culture Programs Financial Contribution Service Bylaw No. 5798, 2019 Alternative Approval Process Results

**DESCRIPTION:** Report from Jennifer Sham, Assistant Deputy Corporate Officer, dated September 6, 2019.

**RECOMMENDATION:** THAT: the results of the Alternative Approval Process for the North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Bylaw No. 5798, 2019 be received this 19<sup>th</sup> day of September, 2019, noting that elector approval has not been obtained.

## SHORT SUMMARY:

The Board utilized the Alternative Approval Process to obtain elector approval for the North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Bylaw No. 5798, 2019. Elector approval has not been obtained and the bylaw cannot proceed to adoption at this time.

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**VOTING:** Unweighted Corporate  LGA Part 14 (Unweighted)  Weighted Corporate  Stakeholder (Weighted)

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## BACKGROUND:

Following three readings and the approval from the Inspector of Municipalities, the Board authorized use of the Alternative Approval Process (AAP) for determining public support for the adoption of North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution Service Bylaw No. 5798, 2019 (Bylaw No. 5798).

Notice of the Alternative Approval Process for Bylaw No. 5798 was published in the Shuswap Market News on July 12 and 19, 2019. The Notice and documents relating to and details of the Alternative Approval Process were provided on the CSR D website, CSR D Facebook page and social media, and at the CSR D office.

In order to receive the assent of the electors, the number of elector response forms received could not exceed 10% of the electors for the proposed participating area. For the purposes of conducting the AAP, the number of eligible electors in the proposed North & South Shuswap Community Arts, Recreation and Culture Programs Financial Contribution service area was determined to be 8,855. As such, to receive the assent of the electors, fewer than 885 elector response forms (10%) must have been received by 4:00 PM on August 21, 2019. Prior to the deadline, 1,412 (one thousand four hundred twelve) valid elector response forms were received and assent of the electors was not obtained.

## POLICY:

Section 86 (1) (c) of the Community Charter provides that approval of the electors by the alternative approval process is obtained if the number of elector responses received is less than 10% of the number of electors of the area to which the approval process applies. As the number of submissions received from eligible electors exceeds the minimum requirement, the assent process has failed and the bylaw cannot proceed to adoption at this time.

**FINANCIAL:**

No further costs associated with the alternative approval process. For information, to conduct an assent voting (referendum) process applicable to all of Electoral Area C and a portion of Electoral Area F the cost estimate is \$25,000. These costs include such items as statutory advertising, hall rental fees, ballots, and election officials needed to work at voting stations. There is administrative staff time associated with assent voting, should the Board wish to consider that option.

**KEY ISSUES/CONCEPTS:**

Of the total number of elector response forms received, approximately 53% were from Electoral Area F and approximately 47% were from Electoral Area C. There were approximately 6% of elector response forms that were invalid for a number of reasons such as: incomplete form, address unknown, no signature, no consent for the non-resident electors, duplicate form/submitted more than one form, and not residing in the service area. A number of forms were also received after the deadline but were not verified or counted.

Residents who completed the elector response form certified that they were opposed to Bylaw No. 5798; however, through social media and general inquiries, staff are aware that the reasons expressed for the opposition include:

- the use of the AAP in general;
- no support for any tax increase regardless of the service;
- taxes have increased significantly over the past few years - is not sustainable;
- support for one or both of the primary groups, but not through taxation;
- lack of information about the funding and groups that would benefit; and,
- concern over compounded effects of the tax increases being proposed.

Assent of the electors was not obtained for Bylaw No. 5798, as such the bylaw cannot be advanced to adoption. An alternative is for the Board to move forward with assent voting (referendum).

For information, assent voting is conducted in a similar manner to local government elections.<sup>1</sup> The general voting day must be a Saturday, not more than 80 days after the August 21, 2019 deadline for receiving elector response forms for an Alternative Approval Process. The last possible date for assent voting for Bylaw No. 5798, 2019 is Saturday, November 2, 2019. Of note the Federal election is scheduled for October 21, 2019.

There are a number of legislative requirements associated with assent voting including appointment of election officials, establishing the general voting day, securing voting locations and opportunities (two advanced voting opportunities required in Area C), statutory newspaper advertising required at least 6 days but not more than 30 days before general voting day.

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<sup>1</sup> Source: <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/consent-approval-electors/approval-of-the-electors/assent-voting-referendum>

**IMPLEMENTATION:**

Should the Board direct staff to proceed with assent voting, staff will need to prepare a Board report for the October Regular Board meeting to appoint a Chief Election Officer and Deputy Chief Election Officer, and to advise the Board on an appropriate date for voting, etc.

**COMMUNICATIONS:**

The results of the NSSCARCP AAP were posted to social media and on the CSRD website on Wednesday August 28, 2019. A copy of the AAP results is also posted in the CSRD office.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation to receive the results of the Alternative Approval Process.

**BOARD'S OPTIONS:**

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

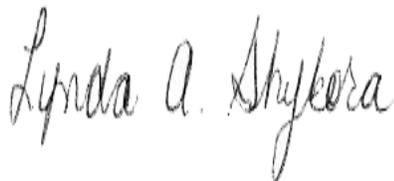
**Report Approval Details**

Document Title:	2019-09-19_Board_CA_NSSCARCP_AAP_Results.docx
Attachments:	- CERTIFICATE OF AAP RESULTS BL 5798 NSSCARCP Aug 28 2019.pdf
Final Approval Date:	Sep 10, 2019

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

**No Signature - Task assigned to Jodi Pierce was completed by assistant Sheena Haines**

Jodi Pierce



Lynda Shykora



Charles Hamilton