



REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Alternative Approval Process for Property Acquisition, Infrastructure Upgrade and Improvement Loan Authorization Bylaw, 2023, No. 3234

File #: 4200.01

Doc #:

From: Kelly Kenney
Corporate Officer

Date: May 30, 2023

RECOMMENDATION:

1. THAT the number of electors in the area to which the Alternative Approval Process for Property Acquisition, Infrastructure Upgrade and Improvement Loan Authorization Bylaw, 2023, No. 3234 applies is 22,065 as determined using the calculation outlined in the staff report dated May 30, 2023.
2. THAT the Alternative Approval Process Elector Response form, as attached to the staff report dated May 30, 2023, be approved.
3. THAT July 18, 2023 at 4:30 pm be established as the deadline for receiving elector responses with respect to the Alternative Process for Property Acquisition, Infrastructure Upgrade and Improvement Loan Authorization Bylaw, 2023, No. 3234.

PURPOSE:

The purpose of this report is to establish the number of electors in the area to which this Alternative Approval Process applies for purposes of establishing the threshold that will determine whether elector approval is received for adoption of Property Acquisition, Infrastructure Upgrade and Improvement Loan Authorization Bylaw, 2023, No. 3234, to seek approval of the elector response form (Attachment 2) to be

used for the Alternative Approval Process, and to establish the time period during which electors may submit elector response forms.

POLICY:

Section 86(3) The *Community Charter* requires that:

“For each alternative approval process, the council must

(a) establish the deadline for receiving elector responses, which must be at least 30 days after the second publication of the notice under subsection (2),

(b) establish elector response forms, which

(i) may be designed to allow for only a single elector response on each form or for multiple elector responses, and

(ii) must be available to the public at the municipal hall from the time of first publication until the deadline, and

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

Section 86 in its entirety (Alternative Approval Process) is provided for reference in Attachment 1 to this report.

COMMENTS/ANALYSIS:

On March 6, 2023, Council gave three readings to Property Acquisition, Infrastructure Upgrade and Improvement Loan Authorization Bylaw, 2023, No. 3234.

Council further resolved that, following approval of the bylaw by the Inspector of Municipalities as required per section 135(4)(b) of the *Community Charter*, approval of the electors be sought through the Alternative Approval Process (AAP).

Accordingly, the bylaw was submitted to the Inspector of Municipalities on March 7, 2023 and approval was received May 25, 2023.

The area to which this AAP applies is the whole City. Accordingly, the total number of electors and subsequent 10% threshold of electors for this approval process was determined as follows:

Based on the Provincial provisional number of registered City of Langley resident electors as of January 31, 2023 (20,331), and the number of non-resident property electors (1,734), as determined using the City’s property and financial business

software, the total number of electors is determined to be 22,065. Accordingly, the 10% threshold of electors is 2,207.

Under the Alternative Approval Process, adoption of the loan authorization bylaw may proceed if fewer than 10% of electors in the city (2,207) submit elector response forms opposing the bylaw.

Following are the basic steps to conduct the Alternative Approval Process:

- Following approval from the Inspector of Municipalities, Council to establish time period during which electors may submit elector response forms and approve the form to be used for the Alternative Approval Process.
- Seek elector approval of the bylaw through the Alternative Approval Process. Two public notices in two consecutive weeks are required.
- If an elector is in favour of the proposed loan authorization bylaw, they don't have to do anything.
- If an elector opposes the proposed loan authorization bylaw they may sign an elector response form and submit it to the City.
- Elector response forms will be available to the public at City Hall and on the City's web site on the date of publication of the first public notice.
- The deadline to submit response forms must be at least 30 days after the publication of the second notice. Electors have the option to submit their forms via email or by fax in addition to regular mail or hand delivery. Electronic signatures are not permitted.
- Following the 30-day deadline, the Corporate Officer will certify the results.
- Adoption of the loan authorization bylaw may proceed if it does not receive opposition of 10% or more of the electorate. If opposition of 10% or more of the electorate is received, Council must either proceed to seek elector approval of the loan authorization bylaw by Assent Voting (Referendum) or abandon the bylaw.
- If elector approval of the bylaw is received, and subsequent to the thirty-day quashing period for the bylaw as required by S. 760 of the Local Government Act, the City may make application for the Certificate of Approval by the Ministry, which upon receipt, the City may borrow funds.

Per Sections 94 and 94.1 (included in Attachment 1) public notice of the AAP (Attachment 3) must be published once each week for two consecutive weeks in the local newspaper and posted in the City's public notice posting places (the notice board on first floor, City Hall, and optionally, the City's website). Per past practice, an AAP webpage will be set up on the City's website which will have the loan authorization bylaw and supporting material, statutory notice, the elector response form, and a frequently asked questions section about the AAP process (FAQS included as Attachment 4).

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BUDGET IMPLICATIONS:

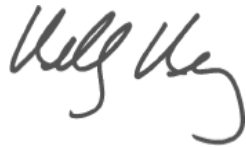
The cost to publish two full-page ads in the local newspaper for the AAP is approximately \$3,000.

ALTERNATIVES:

Council may direct staff to:

- change the Elector Response Form;
- change the deadline by which elector response forms must be received;
- provide additional notice, over and above that described in the report.

Respectfully Submitted,



Kelly Kenney
Corporate Officer

Attachments:

1. Excerpts from Community Charter: Section 86 - Alternative Approval Process, Section 94 – Requirements for Public Notice, and Section 94.1 Default Publication Requirements
2. Alternative Approval Process Elector Response form
3. Alternative Approval Process Public Notice
4. Alternative Approval Process Frequently Asked Questions

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer

ATTACHMENT 1

Excerpt from Community Charter

Alternative approval process

86 (1) Approval of the electors by alternative approval process under this section is obtained if

(a) notice of the approval process is published in accordance with subsection (2),

(b) through elector response forms established under subsection (3), electors are provided with an opportunity to indicate that council may not proceed with the bylaw, agreement or other matter unless it is approved by assent of the electors, and

(c) at the end of the time for receiving elector responses, as established under subsection (3), the number of elector responses received is less than 10% of the number of electors of the area to which the approval process applies.

(2) Notice of an alternative approval process must be published in accordance with section 94 [*public notice*] and must include the following:

(a) a general description of the proposed bylaw, agreement or other matter to which the approval process relates;

(b) a description of the area to which the approval process applies;

(c) the deadline for elector responses in relation to the approval process;

(d) a statement that the council may proceed with the matter unless, by the deadline, at least 10% of the electors of the area indicate that the council must obtain the assent of the electors before proceeding;

(e) a statement that

(i) elector responses must be given in the form established by the council,

(ii) elector response forms are available at the municipal hall,
and

(iii) the only persons entitled to sign the forms are the electors of the area to which the approval process applies;

(f) the number of elector responses required to prevent the council from proceeding without the assent of the electors, determined in accordance with subsection (3);

(g) other information required by regulation to be included.

(3) For each alternative approval process, the council must

(a) establish the deadline for receiving elector responses, which must be at least 30 days after the second publication of the notice under subsection (2),

(b) establish elector response forms, which

(i) may be designed to allow for only a single elector response on each form or for multiple elector responses, and

(ii) must be available to the public at the municipal hall from the time of first publication until the deadline, and

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

(3.1) If the notice under subsection (2) is published in accordance with a bylaw adopted under section 94.2 [*bylaw to provide for alternative means of publication*], the second publication is considered to occur on the date when the notice has been published by 2 of the means of publication specified in the bylaw.

(4) The council must make available to the public, on request, a report respecting the basis on which the determination under subsection (3) (c) was made.

(5) For the purposes of this section, the electors of the area to which an alternative approval process applies are the persons who would meet the qualifications referred to in section 172 (1) (a) [*who may vote at assent voting*] of the [Local Government Act](#) if assent of the electors were sought in respect of the matter.

(6) Elector responses may be made on an elector response form obtained under subsection (3) or on an accurate copy of the form.

(7) For an elector's response to be considered for the purposes of this section, the elector must

(a) sign an elector response form that includes

(i) the person's full name and residential address, and

(ii) if applicable, the address of the property in relation to which the person is entitled to register as a non-resident property elector, and

(b) submit the elector response form to the corporate officer before the deadline established for the alternative approval process.

(8) After the deadline for an alternative approval process has passed, the corporate officer must determine and certify, on the basis of the elector response forms received before that deadline, whether elector approval in accordance with this section has been obtained.

(9) A determination under subsection (8) is final and conclusive.

(10) A person must not sign more than one elector response form in relation to the same alternative approval process, and a person who is not an elector for the area of the approval process must not sign an elector response form.

Requirements for public notice

94 (1) If this or another Act requires notice to be given or published in accordance with this section, the notice must be published

(a) in accordance with section 94.1 or 94.2, as applicable, and

(b) by posting the notice in the public notice posting places.

(2) If a matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.

(3) A council may provide any additional notice respecting a matter that it considers appropriate, including by the internet or other electronic means.

Default publication requirements

94.1 (1) Unless a council has adopted a bylaw under section 94.2, and subject to subsection (3) of this section, a notice must be published

(a) in a newspaper that is distributed at least weekly

(i) in the area affected by the subject matter of the notice, and

(ii) if the area affected is not in the municipality, also in the municipality, and

(b) unless this or another Act provides otherwise, once each week for 2 consecutive weeks.

(2) The obligation under subsection (1) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.

(3) If publication under subsection (1) is not practicable, the notice may be given in the areas by alternative means so long as the notice

(a) is given within the same period as required for newspaper publication,

(b) is given with the same frequency as required for newspaper publication, and

(c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication.

(4) As an exception, subsection 3 (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.