



Legislative Services BOARD REPORT

TO: Chair and Board of Directors **DATE:** August 11, 2015
FROM: Director of Legislative Services
SUBJECT: Alternative Approval Process
Nicola Valley Mosquito Control Service Area Establishment

RECOMMENDATION:

- 1. THAT the deadline for submission of Nicola Valley Mosquito Control Service Establishment Alternative Approval Process Elector Response Forms be 4:00 PM on Friday, October 2, 2015;**

AND THAT a fair estimate of the number of eligible electors in the proposed service area to which the Nicola Valley Mosquito Control Service Alternative Approval Process applies be determined as 218;

AND THAT the Nicola Valley Mosquito Control Service Alternative Approval Process Elector Response Form be in the form attached to the report from the Director of Legislative Services dated August 11, 2015.

CAROLYN BLACK, Corporate Officer/
Director of Legislative Services

Approved for
Board Consideration
CAO

SUMMARY:

In order to proceed with the adoption of Nicola Valley Mosquito Control Service Establishment Bylaw No. 2526, a public assent process must be conducted. The assent will be conducted by way of the Alternative Approval Process.

BACKGROUND:

At its July 16th regular meeting, the Board gave three readings to Nicola Valley Mosquito Control Service Establishment Bylaw No. 2526, 2015 and the Inspector of Municipalities has now authorized adoption of the bylaw subject to public assent by way of the alternative approval process (AAP) as requested.

In an AAP, instead of attending a voting place and casting a ballot, eligible electors (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. 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 Alternative approval process (Community Charter)

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

DISCUSSION:

Section 86 of the *Community Charter* sets out the very specific requirements for conduct of 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 (including the TNRD office) 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 deadline for submission of elector response forms may be no sooner than 30 days after the second publication is the local newspaper. Following the August 20th Board meeting, the next editions of the Merritt Herald are published on August 22nd and August 29th. By setting the deadline for submission of elector response forms as October 2nd, electors will have 35 days from the last newspaper publication.

Fair Determination of the Number of Electors

With respect to determination of the number of electors within the proposed service area, a fair estimate was arrived at using Stats Canada Census data from the last census (2011). The following are the total number of residents within Electoral Areas `M` & `N` and the number of residents over the voting age of 18 (eligible electors).

	Total Number of Residents	Number of Residents over the Age of 18	10%
Area M	1,825	1,550	155
Area N	750	630	63
TOTAL	2,575	2,180	218

Based on census data, if less than 218 elector response forms were signed and submitted before the AAP deadline (10% of the eligible electors within Electoral Areas “M” and “N”), the service establishment would be approved.

Elector Response Form

An elector response form has been attached to this Report for the Board’s approval.

Communication to Public

The decision of the Board of Directors regarding this item will be communicated to the public:

- in the minutes of the meeting at which this item will be considered by the Board of Directors; said minutes to be included in the next regular Board of Directors' meeting agenda on the TNRD's website; and
- by notification in The Current newsletter following the regular Board of Directors' meeting; and
- by publication of ads in the local newspaper relating to the AAP; and
- by including a page on the TNRD website dedicated to the AAP; and
- by publication of a press release following the regular Board of Directors' meeting.

Attachment

- Elector Response Form