

ALTERNATIVE APPROVAL PROCESS

By completing this Elector Response Form, I oppose the Village of Port Alice's intention to dispose of dedicated park land at 1100 Marine Drive unless a vote is held.

FULL NAME OF ELECTOR: _____
(please print)

SIGNATURE OF ELECTOR: _____

RESIDENTIAL ADDRESS OF ELECTOR: _____

Choose one: *[see page 2 for eligibility requirements]*

_____ I am a resident elector

_____ I am a non-resident property elector who lives in another community but who owns property within the Village of Port Alice.

The deadline for submitting this elector form to the Village of Port Alice is
4:00 PM on Friday July 5, 2019

Electors may submit this form by hand delivery, by mail, fax or scanned email to:

Bonnie Danyk CAO / CFO
Village of Port Alice
1061 Marine Drive
PO Box 130

Port Alice BC, V0N 2N0
250-284-3391/Fax 250-284-3416
Scanned Forms may be emailed to cao@portalice.ca

Original forms with original signatures must be received, therefore the original of the faxed or scanned item must also be submitted by the deadline in order to be considered

The Village of Port Alice Municipal Council may proceed with the park land disposal unless 66 electors sign and submit a completed copy of this Elector Response Form by the deadline of Friday, July 5, 2019 at 4:00 PM. A person may not sign more than one elector response form in relation to this alternative approval process. Additional information can be found on the Village of Port Alice Website at www.portalice.ca.

Additional Information About Elector Eligibility

In order to sign an Elector Response Form in relation to the alternative approval process, a person must either be a resident elector or a non-resident property elector.

A resident elector is an individual who is entitled to sign an elector response form during an AAP by virtue of living within that jurisdiction. When signing an elector response form, a resident elector must:

- ° be 18 years of age or older;
- ° be a Canadian citizen;
- ° have lived in British Columbia for at least six months;
- ° have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- ° live in the area defined for the AAP; and,
- ° not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

A non-resident property elector is an individual that does not live in a jurisdiction and who is entitled to sign an elector response form during an AAP by virtue of owning property in that jurisdiction. When signing an elector response form, a non-resident property elector must:

- ° be at least 18 years of age;
- ° be a Canadian citizen;
- ° have lived in British Columbia for at least six months;
- ° have owned property in the jurisdiction for at least 30 days;
- ° own property in the area defined for the AAP; and,
- ° not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an elector response form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.

Alternative Approval Process Information for Residents

What is an Alternative Approval Process?

Sections 84 to 86 of the *Community Charter* gives Council an alternative option in seeking approval of the electors by referendum; the alternative approval process (AAP). The AAP is less costly and less time consuming than a referendum. If more than 10% of the estimated number of electors oppose a proposed bylaw, the bylaw may not proceed unless a referendum is held. More information may be found in the guide from the Ministry of Community Sport and Cultural Development 'Alternative Approval Process: A Guide for Local Governments in British Columbia'

Section 94 of the *Community Charter* governs notice requirements while Section 175 makes provision for incurring liabilities under agreements which is different than incurring debenture debt under a bylaw.

What is being contemplated?

The Village of Port Alice is contemplating the disposal of dedicated park land. The purpose of the disposal is to offer the land for sale to developers who would build and operate a hotel / motel on the lot. In order for the Village of Port Alice to dispose of park land it is required by the Community Charter to obtain the approval of the electors. In an AAP 10% of the qualified electors in a Municipality must make their opposition to the proposal / bylaw, in writing, by completing and Electoral Response Form. The Village of Port Alice currently has an estimated 660 voters and therefore if 10% or greater (66) voters oppose the bylaw or agreement, the bylaw or agreement may not proceed further unless a referendum is held.

Who is eligible to participate in an AAP?

Any individual who qualifies as a resident, elector or non-resident property elector within the Village of Port Alice may participate in the matter. In this case, all eligible electors may vote.

Notice to residents regarding an AAP:

The Alternative Approval Process must be advertised in the local newspaper for two consecutive weeks and the deadline for receipt of an Elector Response Form must be at least 30 days after the second advertisement of the Notice.

Elector Response Forms

Electors that object to the bylaw or agreement being adopted must complete, sign and submit an Elector Response Form (available at the Village office and on the website www.portalice.ca) to 1061 Marine Drive, PO Box 130, Port Alice BC V0N 2N0 by the deadline of 4:00 PM on Friday, July 5, 2019. The Elector Response Forms are date stamped and held in the office of the Village of Port Alice while the process is ongoing. The number of responses will not be made public during the process but a report respecting the results of the AAP 'Certificate of Alternative Approval Process Results' will be presented to Council after the deadline for Elector Response Forms

Additional Information About Elector Eligibility

In order to sign an Elector Response Form in relation to the alternative approval process, a person must either be a resident elector or a non-resident property elector.

Resident Elector:

A resident elector is an individual who is entitled to sign an elector response form during an AAP by virtue of living within that jurisdiction. When signing an elector response form, a resident elector must:

- ° be 18 years of age or older;
- ° be a Canadian citizen;
- ° have lived in British Columbia for at least six months;
- ° have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- ° live in the area defined for the AAP; and,
- ° not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Non-Resident Property Elector:

A non-resident property elector is an individual that does not live in a jurisdiction and who is entitled to sign an elector response form during an AAP by virtue of owning property in that jurisdiction. When signing an elector response form, a non-resident property elector must:

- ° be at least 18 years of age;
- ° be a Canadian citizen;
- ° have lived in British Columbia for at least six months;
- ° have owned property in the jurisdiction for at least 30 days;
- ° own property in the area defined for the AAP; and,
- ° not be disqualified under the Local Government Act, or any other enactment from voting in a local election or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an elector response form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.

Elector Response Forms are available on our website (portalice.ca) or by requesting one from the Village Office, in person, via email or telephone. More details and information are available by contacting the CAO / CFO at 250-284-3391.

Frequently Asked Questions

Q. When a corporation owns all or part of a property, can an elector response form be submitted on behalf of the property owner(s) as either resident or non-resident property elector?

A: No. Eligibility to submit elector response forms for an AAP parallels eligibility to vote in general local elections. There is no business or corporate vote in British Columbia, therefore when a corporation owns

all or part of a property, even if it is in the minority or owns that property with an individual who is otherwise eligible to submit an elector response form, no one may submit an elector response form in relation to that property.

Q: Can local governments cancel the AAP while in process and proceed with an assent vote?

A: No. When a local government has initiated an AAP and decides part way through that an assent vote is more appropriate — such as in cases where the 10% threshold is reached early in the AAP — the local government must still complete the AAP. However, the local government may incorporate insight into public opinion obtained during the AAP into decision-making on whether to proceed to an assent vote.

Q: If 10% or more of electors sign a response form and the local government decides to proceed to an assent vote, is the local government required to seek Inspector of Municipalities (Inspector) approval for a bylaw again?

A: No. The local government is not required to seek Inspector approval again.

Q: Can an elector withdraw an AAP response form after it was submitted to the local government?

A: Yes. An elector can ask the Corporate Officer to return their response form or to have their name removed from the petition-style form prior to the AAP deadline. An elector can no longer withdraw their form or have their name removed from the petition-style form after the AAP deadline has passed.

Q: Can the number of responses received while the AAP is underway be released to the public?

A: Releasing this information could alter the outcome of the AAP, as electors may base their decision on the number of response forms already submitted and whether the 10% threshold has been met. The appropriate time to release the number of elector responses is after the deadline for submissions has passed and the Corporate Officer has certified the results.

Q: Who can access and/or review the elector response forms during or after the AAP?

A: Only the Corporate Officer, or their designate, can review and certify elector response forms during an AAP. The Corporate Officer is responsible for the safe-keeping of the elector response forms throughout, and after, the AAP. Local governments must retain elector response forms as per requirements established in the Freedom of Information and Protection of Privacy Act (FIPPA, Part 3) after the AAP has been completed.

Q: When determining deadlines in relation to AAPs, are weekends and holidays counted?

A: Yes. All days are counted as per the *Interpretation Act*. Under the *Interpretation Act* rules for counting time, the day the second notice is published and the deadline date itself do not count as part of the 30 day minimum requirement. An AAP can therefore not be completed in less than 32 days.

Alternative Approval Process: 22 Ministry of Community, Sport & A Guide for Local Governments in British Columbia and Cultural Development.

Q: Can elector response forms be submitted by electronic means?

A: Yes. Local governments can allow elector response forms to be submitted by electronic means, such as by fax or email. It is best to establish and set out any related requirements in a formal policy document. If local governments intend to accept electronic submissions in accordance with their policy, this information should be present on the elector response form. Local governments may also require that the original, hardcopy of forms sent electronically also be submitted.

Q: What are the alternative means of advertising for an AAP?

A: Local governments may undertake providing notice through alternative means if publication in a locally circulated newspaper is not practicable. Alternative means could include any type of notice that the council or regional district board believes will adequately reach the electorate, such as online advertising, open houses, direct mailing and/or public meetings.

Q: Are local governments allowed to spend taxpayers' money promoting the bylaw that is subject to an AAP?

A: Yes. Local governments may advertise and communicate information about the proposed bylaw including placing radio and newspaper ads, writing internet articles or posting notices throughout the community. Although information-sharing and advertising are permitted, councils and regional district boards would need to give consideration to the public perception of expending public funds and staff resources to promote a particular viewpoint during an AAP. Councils and regional district boards that engage in promotional activities that are seen as biased, will likely face questions from the public about whether or not the AAP process was fair.

Q: Is Inspector of Municipalities approval required for every Alternative Approval Process?

A: No. Only for those that contemplate long term borrowing or debenture debt. Incurring debt by way of agreement under section 175 of the *Community Charter* does not require Inspector of Municipalities approval.

Q: How long does a local government have to hold an AAP after receiving Inspector of Municipalities approval of a bylaw?

A: Local governments that have received Inspector of Municipalities approval may initiate the AAP at any time. However, an AAP cannot be held before a local government receives Inspector approval.

Q: How early can a local government begin advertising for an AAP?

A: Local governments must not publish the two required AAP notices until after Inspector of Municipalities approval has been granted. If the municipality is proceeding under section 175 of the *Community Charter* they may advertise at any time. A local government can provide general information to electors about an initiative under consideration in the AAP at any time.

Q: Can the 30-day period for receiving elector response forms be extended after the public notices have been published?

A: No. The 30-day period cannot be extended once the required notices have been published.

Q: Can signs, for or against, the AAP be posted in public places?

A: Yes. Local governments generally establish bylaws to regulate the size, placement, maintenance and removal of signs within the community. Any signs or posters used during an AAP must comply with the applicable local government bylaw. The Ministry of Transportation and Infrastructure (MoTI) regulates sign placement along provincial highways, medians, bridges and major roadways. Therefore, signs placed on MoTI property must comply with provincial regulations.