

s. 84 of the *Community Charter* provides for obtaining the approval of the electors by assent of the electors (referendum) or by alternative approval process. We are recommending that Council approve undertaking the alternative approval process for this by-law.

The Notice of Alternative Approval Process for the by-law to authorize disposal of park land and placing the proceeds in the park acquisition fund is attached as Appendix A.

Alternative Approval Process

The requirements to obtain approval by electors by alternative approval process are set out in s. 86 of the *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.*
- (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 161 (1) (a) [who may vote at other 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.*

The recommended deadline is September 5, 2007. The first notice will be published July 27, 2007, and the second notice will be published August 3, 2007. (The deadline must be at least 30 days after the second publication of the notice.) The recommended elector response form is attached as Appendix B.

As the sale and acquisition of park land is a matter of interest to all Surrey residents, it is recommended that the approval process apply to the entire city. To determine the total number of electors for the city it is recommended that the number of electors (234,846) on the Provincial

Voters List used in the 2005 Local Government Election is a fair determination of the total number of electors of the area to which the approval process applies. A report respecting the basis on which the determination under s. (3)(c) was made available to the public.

CONCLUSION

After the Alternative Approval Process has been completed, and approval of the electors is received, the by-law will be brought forward to the September 10, 2007 Regular Council meeting for Council to consider final adoption.

City Clerk

[http://surrey.ihostez.com/content/uploaded/1e63804535e2493eaf5f7beb6ff2b104-alternative approval process - park acqu.doc](http://surrey.ihostez.com/content/uploaded/1e63804535e2493eaf5f7beb6ff2b104-alternative%20approval%20process%20-%20park%20acqu.doc)
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Appendix A - Notice
Appendix B - Elector Response Form
Appendix C - Corporate Report R256