

NO: R204

COUNCIL DATE: **October 23, 2017**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **October 19, 2017**

FROM: **City Clerk**

FILE: **0910-40/ 5400-80
(10500)**

SUBJECT: **Conclusion of Alternate Approval Process for Hawthorne Park**

RECOMMENDATION

The City Clerk recommends that Council receive this Report as information.

INTENT

The purpose of this report is to confirm approval of the Alternative Approval Process in accordance with section 30, section 84 and section 86 of the *Community Charter* for the removal of a portion of park reserve that was enacted through “*Portion of Hawthorne Park, Park Reserve By-law, 1979, No. 5812*” (*By-law 5812*).

BACKGROUND

“*Surrey Removal of Reservation of a Portion of Hawthorne Park Bylaw, 2017, No. 19337*” (Bylaw No. 19337) to remove the portion of park reserve enacted by By-law No. 5812 was introduced in corporate report R161; 2017 and considered at the July 24, 2017 Regular Council Public Hearing. By-law No. 5812, is applicable only to portions of Hawthorne Rotary Park. These portions of park are required to construct the 105 Avenue corridor project, important utility relocations, and to facilitate improvement plans within Hawthorne Rotary Park.

In accordance with the *Community Charter*, approval of the Bylaw No. 19337, is being facilitated through the Alternative Approval Process (AAP). The AAP provides an opportunity for eligible electors to indicate to Council that they are opposed to the reservation removal Bylaw No. 19337. Electors state their opposition to the adoption of Bylaw No. 19337 by submitting an Elector Response Form provided in the Elector Package developed for this purpose and made available on the City website, at City Hall, City Libraries and Recreation Facilities.

The removal of reservation of the land is deemed to be approved by the electors in Surrey unless more than 10% of the eligible electors submit, in writing, their opposition.

DISCUSSION

As the City’s park land is a matter of interest to all Surrey residents, the approval process was applied to the entire City. The total number of electors for the City was deemed to be 303,721. This number was derived from the Provincial Voters List used in the May 2017 Provincial

Government Election and considered a fair determination of the total number of electors in Surrey. The required number of valid elector responses is therefore 30,372 (10% of the eligible electors). The deadline for public response was set as September 22, 2017.

In accordance with Section 94 of the *Community Charter*, the first notice was published on August 11, 2017, and the second notice was published on August 18, 2017. The deadline for receiving petitions was set as 4:30 pm, September 22, 2017.

Upon conclusion of this deadline, as documented in Appendix "I", 11,161 elector response forms were verified as valid and certified. The 670 forms that were rejected were due to one or more of the following:

- the elector signed more than one form;
- the required information on the form was blank, incomplete or illegible;
- the address was from outside of the City of Surrey and were not an eligible non-resident elector;
- more than one non-resident property elector signed a form in relation to the same property; or
- a non-resident property owner signed a form in relation to a property owned in whole or in part by a corporation.

CONCLUSION

Pursuant to Section 86 (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 the deadline, whether elector approval in accordance with this section has been obtained." Appendix "I" to this report is the required certification for the alternative approval process. To summarize the attached certification; the required number of valid elector responses to object to adopting the parkland reservation removal Bylaw No. 19337 is 30,372, which is 10% of the total number of Electors 303,721 in the City of Surrey.

The number of valid elector responses received before the September 22, 2017 deadline is 11,161 or 3.7% of the valid electors.

In accordance with Section 86 of the *Community Charter*, the approval of the electors was obtained.

Jane Sullivan
City Clerk

Appendix "I" – Certification of Alternative Approval Process Results

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Certification of Alternative Approval Process Results

SURREY REMOVAL OF RESERVATION OF PARKLAND OF A PORTION OF HAWTHORNE PARK BYLAW 2017, 19337

Corporate Officer's Certification

I, Jane Sullivan, the undersigned Corporate Officer, as the person assigned responsibility for corporate administration under section 148 of the *Community Charter*, certify the results of the alternative approval process that was conducted to obtain the approval of the electors for the "Surrey Removal of Reservation of Parkland of a Portion of Hawthorne Park Bylaw 2017, No. 19337" as follows:

303,721 Estimated number of eligible electors

11,831 Number of elector response forms submitted by the deadline

670 Number of electors response forms rejected

11,161 Number of elector response forms accepted

3.7% Percentage of estimated electors who validly submitted elector response forms and in accordance with Section 86 of the *Community Charter*, the approval of the electors was obtained.

DATED this **27** day of **September, 2017**.



Jane Sullivan, City Clerk - Corporate Officer