

# COUNCIL REPORT

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Date: September 22, 2020  
File: 1.1.3.7  
To: Warren Waycheshen, CAO - for Mayor and Council  
From: Ethan Anderson, Director of Corporate Administration  
Re: Haisla Bridge Park Closing and Exchange  
Bylaw No. 1990, 2020



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## Recommendation:

**THAT first Three Readings be given to “Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020”**

**AND THAT in accordance with section 27(a), section 29 and section 30 of the Community Charter, Staff are directed to seek elector approval for adoption of Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020**

**AND THAT this approval will be sought through the Alternative Approval Process as described in section 86 of the Community Charter,**

**AND THAT in accordance with section 86(3)(a) of the Community Charter, Council determines that November 23rd, 2020 at 5:00 p.m. be the deadline for acceptance of Alternative Approval Process Elector Response forms,**

**AND THAT in accordance with section 86(3)(b) of the Community Charter, Council determines that the Single Elector Response form be the form in which electors may indicate that the Council must obtain the assent of the electors before proceeding to the adoption of Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020 as Attachment D,**

**AND THAT in accordance with section 86(3)(c) of the Community Charter, Council determines that a fair determination of electors is 5,781,**

**AND THAT the Council considers the Schedule A Park Acquisition and Road Dedication Plan attached to the Bylaw to be sufficiently detailed to proceed with Notice under the Alternative Approval Process, and Staff are directed to make the surveyed plan available for public review and add it to the Bylaw’s Schedules as soon as available;**

**AND THAT the “Alternate Approval Process Policy” dated September 2020, be approved**

## Background:

The District of Kitimat staff have suggested reconfiguring the parkland dedication in the area of the western approach of the Haisla Bridge. Specifically, the reconfiguration would mean an addition of parkland that is currently crown land accreted along the Kitimat River of approximately 4.8 hectares, and a removal of parkland already dedicated as parkland of approximately 0.40 hectares in the vicinity of the Haisla Bridge approach, making this land a dedicated road right-of-way. While it would be permissible for the structure of the Haisla Bridge (in this case a bridge pier) to be in parkland, staff would prefer to remove this land from parkland and dedicate it as road instead. Ultimately through this reconfiguration, the parkland in the area will increase by approximately 4.4 hectares.

To acquire the accreted lands from crown land, the BC Surveyor General advised fee simple title needed to be raised to the municipal parkland. The larger lands will then be (concurrently) re-dedicated as park, minus the additional road portion for the pier. The Engineering Department has initialized a survey of the lands, with a final plan expected in mid-October. Further description is included in the recitals of the Bylaw and in the Notice, both attached.

### **Process**

As parkland is being dedicated, as well as removed from dedication, a bylaw is required for this process (Attachment A).

This Bylaw includes a schematic version of the reconfiguration of lands, though it cannot be finalized until a legal survey provides specifics. Council can provide three readings tonight with the intent to amend at final adoption, should the AAP process described below be satisfied, to supplement the schematic plan with the final surveyed plan. The surveyed plan is expected to be available for public review in addition to the schematic plan attached to the Bylaw.

Additional to this, the bylaw requires Approval of the Electors as per S.84 of the Community Charter. This can be obtained through either S.85, "Assent of the Electors" or S.86, "Alternative Approval Process" (AAP) of the Community Charter.

#### **Assent Voting Process**

- Typically known as a referendum
- Established under S.85 of the Community Charter and Part of the Local Government Act
- Follows the Elections section of the Kitimat Municipal Code and Local Government Act
- Majority Vote (50% + 1)
- Overall Cost would roughly be \$23,000
- Overall time would roughly be 80 days from reading of bylaw

#### **Alternative Approval Process**

- Counter-Petition form of Approval Process
- Notice is provided by way of S.94 of the Community Charter
- Response Forms are collected by the Corporate Officer until the deadline. If less than 10% of the determined number of electors' in responses are received, approval of the electors is deemed to be obtained.
- If 10% or more of the number of electors' in responses are received, Council can abandon or opt to go to the Assent Voting Process. The referenda process would add 80 days
- Overall cost – roughly \$3,000
- Overall time – around 45 days

Staff recommend the use of the AAP process due to the cost and time savings involved with the project; the bylaw proposes to add additional parkland and therefore it has lower risk to having an unsuccessful AAP. There is risk that an unsuccessful AAP could add time and cost, but staff feel that is unlikely. The rest of the report will focus on the AAP process, but if Council wishes, staff can provide details on an assent process.

Schedule if moving forward with an AAP:

<b>Steps</b>	<b>Dates</b>
Bylaw for Readings/AAP Forms/Notices for Approval	05-Oct-20
S.94 Ads (Notice #1)	15-Oct-20
S.94 Ads (Notice #2)	22-Oct-20
30 Day timeline Starts	23-Oct-20
Surveyed Plan Available	End of October/Early November
30 Day Timeline ends	21.-Nov-20
Deadline Established	23-Nov-20
Certification of Results	23-Nov-20
Adoption of Bylaw, including insertion of surveyed plan	23-Nov-20

Staff are recommending a deadline of November 23, 2020 to meet the minimum 30-day period to receive elector response forms. This can be extended, though that would put time pressures on the Request for Proposal for the Haisla Bridge.

Staff are also recommending the Single Elector Response Form. The alternative, the petition style, is legal through the Community Charter, but it does not provide the same protection of privacy that a Single Elector Response Form would. Council is free to choose either option.

Staff are recommending that Council determine that there are 5,781 Electors as per the determination of total number of electors attached as Attachment C. This would represent a reasonable estimate based on up to date information. This number would mean that if the Corporate Officer receives less than 578 Elector Response Forms opposing the bylaw, Council will be deemed to have approval of the electors necessary for adoption.

Staff are recommending approval of the draft "Alternate Approval Process Policy" as a way to formalize many areas where the Community Charter is silent on this process.

**Alternative Options:**

1. Another option as developed through discussion of Council.

**Budget Implications:**

Changing of the classification of the lands involved will not change tax revenues. Costs associated with legal surveys will be part of the Haisla Bridge project. Costs associated with the Alternative Approval Process will be estimated at about \$3,000 and fit within the current operating budget.

  
Director of Finance Initials

**Budgeted: X**

**Unbudgeted:**

**Council Initiative/Other Relevant Plans:**

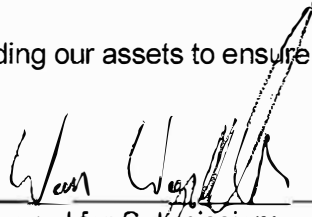
**Human Resources and Asset Management**

Adopt a long-term view on maintaining and upgrading our assets to ensure a continued high level of service

- Construct new Haisla Bridge



Submitted by:  
Ethan Anderson,  
Director of Corporate Administration



Approved for Submission:  
Warren Waycheshen, CAO

Attachments:

- Attachment A - Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020 (map inclusive of bylaw)
- Attachment B - Notice of AAP process
- Attachment C - Determination of Number of Electors
- Attachment D - Single Elector Response Form
- Attachment E - Petition Style Elector Response Form
- Attachment F - Draft Alternative Approval Process Policy
- Attachment G - Eligibility to sign Elector Response Form

DISTRICT OF KITIMAT

BYLAW NO. 1990

A BYLAW TO AUTHORIZE THE CLOSURE AND DISPOSAL OF A PORTION OF PARK DEDICATED BY PLAN 12071, LOCATED ALONG THE KITIMAT RIVER ADJACENT TO HAISLA BOULEVARD AND THE BRIDGE CROSSING THE RIVER, IN EXCHANGE FOR A LARGER PORTION ACQUIRED BY ACCRETION FROM THE KITIMAT RIVER ADJACENT TO THAT SAME PARK, FURTHER TO ACCRETION PLAN EPP105785

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WHEREAS, pursuant to Section 29 of the *Community Charter*, land in a municipality that is dedicated to the public for the purpose of a park by a subdivision plan deposited in the land title office is vested in the municipality for that purpose;

AND WHEREAS, pursuant to Section 27(2)(a) of the *Community Charter*, a council may, by bylaw adopted with the approval of the electors, dispose of a portion of such parkland in exchange for other land suitable for a park;

AND WHEREAS the Surveyor General of British Columbia cannot attach land acquired through accretion to dedicated park but can attach such accretion area to park lands held in fee simple;

AND WHEREAS, pursuant to Section 30 of the *Community Charter*, a council may, by bylaw adopted with a 2/3 affirmative vote, dedicate land held in fee simple as park; land may be dedicated as park on a plan of subdivision in accordance with Section 107 of the *Land Title Act*;

AND WHEREAS, the District is rebuilding the Haisla Bridge crossing of the Kitimat River adjacent to the Park, and while it would be permissible for the bridge pier to be located in the Park, the District prefers to remove such area from the park and dedicate it as road instead;

AND WHEREAS Kitimat Council wishes to raise title to the land dedicated as park in Plan 12071 ("**Existing Park**"), located along the Kitimat River adjacent to Haisla Boulevard and the Bridge crossing the river, in order to dispose of a 0.4 hectare portion of the (the "**Closed Park**"), to be dedicated as road, in exchange for a 4.8 hectare portion of land accreted from the Kitimat River (the "**New Park**"), in accordance with Accretion Plan # EPP105785, as generally shown on the Preliminary Information Plan for Accretion Plan # EPP105785 attached to this Bylaw as Schedule "A", such that the New Park and the Existing Park less the Closed Park, shall be first consolidated in fee simple and then all immediately dedicated anew as park;

NOW THEREFORE the Council of the District of Kitimat in open meeting assembled ENACTS AS FOLLOWS:

1. This bylaw may be cited as "Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020".
2. The District of Kitimat is hereby authorized and empowered to dispose of the Closed Park and to exchange the Closed Park for the New Park, in general accordance with Plan EPP105785, such that:
  - a. fee simple title to the Existing Park shall be raised;
  - b. the New Park and the Existing Park shall be consolidated in fee simple;
  - c. the New Park and the Existing Park less the Closed Park shall be promptly dedicated anew as park on a plan of subdivision; and
  - d. the Closed Park shall be dedicated as road including for purposes of accommodating the pier and support for the Haisla Bridge.
3. This Mayor and Corporate Officer are authorized to execute all documents necessary to carry out the completion of the park exchange authorized by this bylaw.
4. This Bylaw shall come into full force and effect on the date of adoption.

READ a first time this	day of	, 20 .
READ a second time this	day of	, 20 .
READ a third time this	day of	, 20 .

FINALLY ADOPTED this

day of

, 20 .

MAYOR

Phil Germuth

CORPORATE OFFICER

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Ethan Anderson

**Schedule "A"**

**Preliminary Information Plan for Accretion Plan EPP105785**

**DISTRICT OF KITIMAT****NOTICE OF AN ALTERNATIVE APPROVAL PROCESS****HAISLA BRIDGE PARK CLOSING AND EXCHANGE BYLAW NO. 1990, 2020**

Pursuant to sections 86 and 94 of the *Community Charter*, notice is hereby given to advise electors in the District of Kitimat of the intention to adopt “Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020”. The bylaw proposes to close, exchange and dispose of a portion of Kitimat River parkland dedicated by Plan 12071, generally in accordance with Plan EPP105785. This closure will facilitate the rebuilding of the Haisla Bridge crossing on Haisla Boulevard. The preferred alignment of the new bridge pier requires adjusting the location of the existing park. Except for the placement of a new pier to support the Bridge, and the addition of lands accreted from the Kitimat River, the existing park will not physically change.

The park size will increase overall. By way of *Community Charter* and Land Title and Survey Authority processes: the existing park will be “closed” and fee simple title raised; that title will then be expanded and consolidated with lands acquired by accretion from the Kitimat River; a portion of the existing park [0.4 hectares] will be exchanged for the accreted lands [4.8 hectares], and be dedicated as “road” for purposes of the Bridge pier; the remaining park with the addition of exchanged lands will then be dedicated as “park” on a new plan of subdivision. The total size of the park will then increase by approximately 4.4 hectares from the current park area). The affected areas are shown generally on the Preliminary Information Plan for Accretion Plan EPP105785 below:

[ **INSERT** Preliminary Information Plan for Accretion Plan # EPP105785 **PLAN** ]



A copy of Bylaw No. 1990, 2020 and a report summarizing the project is available from the local government's offices during each business day of the week between 8:30 a.m. and 5:00 p.m. ("Regular Business Hours") from the date of this Notice until November 23, 2020, or via our website at [www.kitimat.ca](http://www.kitimat.ca).

Adoption of the Haisla Bridge Park Closing and Exchange Bylaw 1990, 2020 is subject to elector assent as determined through the alternative approval process outlined in Section 86 of the *Community Charter*. Given the importance of parkland and the significance of the Haisla Boulevard Bridge crossing of the Kitimat River, the affected area is the entirety of the District of Kitimat.

The District of Kitimat Council proposes to adopt Bylaw No. 1990, 2020 unless, by 5:00 p.m. on November 23, 2020, at least 10 percent of the electors in the District of Kitimat sign an elector response form opposing the implementation of the proposal unless the municipal council holds a vote. The number of elector responses required to prevent the local government from proceeding unless a vote is held is 578. A report respecting the basis on which this determination was made is available upon request from the local government.

Elector responses are required to be submitted to the local government on forms that can be obtained during Regular Business Hours from the District of Kitimat City Hall. The form can also be downloaded from the District of Kitimat's website. The only elector response forms that will be accepted by the local government are the ones provided by the District of Kitimat, or an accurate copy of the form. Only electors of the District of Kitimat are eligible to sign the elector response forms.

There are two types of electors – resident electors and non-resident property electors.

#### **Resident Elector:**

When signing an elector response form during an AAP, 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:**

When signing an elector response form during an AAP, 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 (e.g. municipality or electoral area) 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.

Resident electors signing the elector response form must provide their name and address.

Non-resident property electors must provide their name and the address of the property in relation to which they are entitled to register as a non-resident property elector.

Notice: The personal information collected on the elector response forms by the District of Kitimat is for the purposes of conducting an alternative approval process, under the authority of sections 26(c) and 26 (d) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of your personal information, please contact the Director of Corporate Administration at 270 City Centre, Kitimat, BC V8C 2H7, or by telephone at (250) 632-8900.

For more information on elector qualifications, please contact the District of Kitimat or see the Voter's Guide to Local Government Elections in B.C., available from the Ministry of Municipal Affairs and Housing or online at: <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/general-local-elections/voter-eligibility-voting>

Further information about the proposal and Bylaw No. 1990, 2020 is available on our website at [www.kitimat.ca](http://www.kitimat.ca) or by contacting the District of Kitimat office at (250) 632-8900 or by email at [dok@district.ca](mailto:dok@district.ca).



## DISTRICT OF KITIMAT

### DETERMINATION OF TOTAL NUMBER OF ELECTORS FOR PURPOSES OF AN ALTERNATIVE APPROVAL PROCESS

#### HAISLA BRIDGE PARK CLOSING AND EXCHANGE BYLAW NO. 1990, 2020

#### Purpose:

The purpose of this report is to show the basis for determining the total number of electors in relation to Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020 that is the subject of an alternative approval process (AAP).

#### Defined Area:

The whole District of Kitimat is the defined service area for Bylaw No. 1990, 2020.

Section 86(3)(c) of the *Community Charter* requires the council to make a fair determination of the total number of electors in the area to which the approval process applies. In addition, the Council must make available to the public, on request, a report respecting the basis on which the determination was made.

The number of people eligible to be a resident elector or a non-resident property elector is determined based on those individuals who when signing an elector response form:

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

The estimated number of eligible electors **within the area defined for the AAP** is based on information from various sources as indicated below, is calculated as follows:

Registered Electors as per Elections BC	5780
Add estimated number of non-resident property electors	1
Estimated total number of eligible electors in the area defined for the AAP	5781
Ten percent of the total number of eligible electors is estimated to be:	578

The Registered electors of the jurisdiction was derived from information obtained from Elections BC that was prepared on September 10, 2020.



**DISTRICT OF KITIMAT**

**SINGLE ELECTOR RESPONSE FORM – ALTERNATIVE APPROVAL PROCESS**

**HAISLA BRIDGE PARK CLOSING AND EXCHANGE BYLAW NO. 1990, 2020**

By completing this elector response form I oppose the District of Kitimat's intention to adopt Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020, which authorizes the closure and disposal of a portion of park dedicated by Plan 12071, located along the Kitimat River adjacent to Haisla Boulevard and the bridge crossing the river, in exchange for a larger portion acquired by accretion from the Kitimat River adjacent to that same park, unless a vote is held.

Full Name of Elector:  
(e.g. Donald Smith – not D. Smith) \_\_\_\_\_  
please print)

Signature: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Choose one: I am a resident elector (see reverse for eligibility requirements)

I am a resident elector (see reverse for eligibility requirements)

I am a non-resident property elector who lives in another community and owns property in the jurisdiction located at: \_\_\_\_\_  
(see reverse for additional eligibility requirements)

The deadline for submitting this elector response form to the District of Kitimat is 5:00 p.m. on November 23, 2020.

Original forms must be delivered either in person or by mail to the District of Kitimat City Hall located at 270 City Centre, Kitimat, BC V8C 2H7 by the deadline.

The District of Kitimat may proceed with the adoption of Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020 unless 578 electors sign and submit a completed copy of this elector response form to the local government by the deadline.

A person must not sign more than one elector response form in relation to this alternative approval process.

Additional information can be found on the reverse side of this form about the subject of this alternative approval process as well as the elector qualifications.

**Important Notice:** The personal information on this form is collected by the District of Kitimat for the purposes of conducting an alternative approval process, under the authority of sections 26(c) and 26 (d) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of your personal information, please contact the Director of Corporate Administration at 270 City Centre, Kitimat, BC V8C 2H7, or by telephone at (250) 632-8900.

## **ELIGIBILITY TO SIGN ELECTOR RESPONSE FORMS**

The District of Kitimat Council intends to adopt “Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020.” The purpose of the bylaw is to authorize the closure and disposal of a portion of park dedicated by Plan 12071, located along the Kitimat River adjacent to Haisla Boulevard and the bridge crossing the river, in exchange for a larger portion acquired by accretion from the Kitimat River adjacent to that same park. A copy of Bylaw No. 1990, 2020 and a report summarizing the project is available from the local government’s offices during each business day of the week between 8:30 a.m. and 5:00 p.m. or via our website at [www.kitimat.ca](http://www.kitimat.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 (e.g. municipality or electoral area) 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.



**DISTRICT OF KITIMAT**  
**PETITION STYLE ELECTOR RESPONSE FORM – ALTERNATIVE APPROVAL PROCESS**  
**Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020**

By signing this elector response form I oppose the District of Kitimat's intention to adopt Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020, which authorizes the closure and disposal of a portion of park dedicated by Plan 12071, located along the Kitimat River adjacent to Haisla Boulevard and the bridge crossing the river, in exchange for a larger portion acquired by accretion from the Kitimat River adjacent to that same park, unless a vote is held.

Additional information can be found on the reverse side of this form about the subject of this alternative approval process as well as the elector qualifications.

The deadline for submitting this elector response form to the District of Kitimat is 5:00 p.m. on November 23, 2020.

Original forms must be delivered either in person or by mail to the District of Kitimat City Hall located at 270 City Centre, Kitimat, BC V8C 2H7 by the deadline.

The District of Kitimat may proceed with the adoption of Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020 unless 578 electors sign and submit a completed copy of this elector response form to the local government by the deadline.

A person must not sign more than one elector response form in relation to this alternative approval process.

Full Name (e.g. Donald Smith – not D. Smith)	Address of Resident Elector / Address of Property Owned by Non-resident Property Elector	Signature

**Important Notice:** The personal information on this form is collected by the District of Kitimat for the purposes of conducting an alternative approval process, under the authority of sections 26(c) and 26 (d) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of your personal information, please contact the Director of Corporate Administration at 270 City Centre, Kitimat, BC V8C 2H7, or by telephone at (250) 632-8900.

## **ELIGIBILITY TO SIGN ELECTOR RESPONSE FORM**

The District of Kitimat Council intends to adopt “Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020.” The purpose of the bylaw is to authorize the closure and disposal of a portion of park dedicated by Plan 12071, located along the Kitimat River adjacent to Haisla Boulevard and the bridge crossing the river, in exchange for a larger portion acquired by accretion from the Kitimat River adjacent to that same park. A copy of Bylaw No. 1990, 2020 and a report summarizing the project is available from the local government’s offices during each business day of the week between 8:30 a.m. and 5:00 p.m. or via our website at [www.kitimat.ca](http://www.kitimat.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 (e.g. municipality or electoral area) 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.

**POLICY-PROCEDURE MANUAL****TITLE: ALTERNATIVE APPROVAL PROCESS**

PREPARED BY:	AUTHORIZED BY:	DATE OF ISSUE OR REVISION:
E. Anderson	Council	

**Objective**

As authorized by Council, an Alternate Approval Process may be used to obtain elector assent.

This policy will provide direction on decisions made throughout the process not specifically directed by legislation.

In the event of a discrepancy with legislation, the legislation will prevail.

**Procedure**

The number of eligible electors, as will be recommended by the Director of Corporate Administration, or designate, will be determined as follows:

Taking the number of registered electors in the District of Kitimat boundaries as determined by Elections BC and adding the number of non-registered property electors as per the previous general municipal election records.

If the above is not possible, Schedule C – Sample Report for Determining Number of Eligible Electors of Provincial of British Columbia document, “Alternative Approval Process: A Guide for Local Governments in British Columbia” dated September 2018, will be used. This document will not be the primary method for determination of electors, as it requires much more estimation.

Elector response forms will only be available from District of Kitimat Municipal Hall and the District of Kitimat website.

An elector response form will be accepted by the Director of Corporate Administration, or designate, as per section 86(6) of the Community Charter and must include all additional information as included on the District of Kitimat elector response form.

Elector response forms will be accepted by mail or personal delivery, during regular business hours, to District of Kitimat City Hall at 270 City Centre, Kitimat, BC until the response deadline. It is the responsibility of the elector to ensure the elector response form is received by the response deadline. Elector response forms mailed and postmarked prior to the response deadline will not be accepted – postmarks are not acceptable as proof of meeting the deadline for response. Elector response forms must be delivered to the Director of Corporate Administration, or designate, by the response deadline to be considered a response.



An elector may withdraw their elector response form or have their name struck from the petition-style list by making their request either in person or in writing (email accepted) to the Director of Corporate Administration, or designate. The request must provide sufficient information to identify the elector – for example, include the elector's full name and address of the resident elector or address of the property owned by the non-resident property elector. The request to withdraw must be received prior to the deadline. (NRPE: do they need the approval of the other owners to withdraw response form?)

The Director of Corporate Administration, or designate, may, upon request by an elector, confirm receipt of the elector's response form and its status (either accepted or denied). The request must provide sufficient information to identify the elector – for example, include the elector's full name and address of the resident elector or address of the property owned by the non-resident property elector. The request to review elector form status must be received prior to the deadline.

If an elector's response form is denied, the elector may re-submit an elector response form. The re-submitted elector response form must be received by the response deadline to be considered a response.

If an elector response form is denied, the Director of Corporate Administration, or designate, will make reasonable efforts to advise the elector of the form's status.

In the event that two response forms are received under the same elector name, the Director of Corporate Administration, or designate, will make reasonable efforts to confirm the separate identity of each elector and if unable to determine same will deny one of the elector response forms.

The number of elector response forms received will not be disclosed except for the purpose of the determination of results.

At the end of the response period, the Director of Corporate Administration, or designate, will make the final determination of results. Once the determination has been made, the elector response form(s) will be destroyed in accordance with established FOIPPA practices, being one year from the response deadline

A webpage for the Alternative Approval Process will be created on the District of Kitimat website, and will make available all information and forms related to the Alternative Approval Process. The Certification of Results will be posted to the webpage within 5 days of the determination of results. In the event of elector approval being obtained, the webpage will remain available for 90 days for information. In the event elector approval is not obtained, the webpage will form part of the assent voting information page in the event Council elects to hold one.

This policy should be reviewed prior to its use for the Alternate Approval Process, to ensure it complies with current legislation.



## DISTRICT OF KITIMAT

### ELIGIBILITY TO SIGN ELECTOR RESPONSE FORM ALTERNATIVE APPROVAL PROCESS

#### HAISLA BRIDGE PARK CLOSING AND EXCHANGE BYLAW NO. 1990, 2020

The District of Kitimat Council intends to adopt “Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020.” The purpose of the bylaw is to authorize the closure and disposal of a portion of park dedicated by Plan 12071, located along the Kitimat River adjacent to Haisla Boulevard and the bridge crossing the river, in exchange for a larger portion acquired by accretion from the Kitimat River adjacent to that same park. A copy of Bylaw No. 1990, 2020 and a report summarizing the project is available from the local government’s offices during each business day of the week between 8:30 a.m. and 5:00 p.m. or via our website at [www.kitimat.ca](http://www.kitimat.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 (e.g. municipality or electoral area) 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.