

AGENDA INFORMATION

Regular Meeting Date: _____
 Workshop (open to public) Date: _____

Dept. Manager	GM/ Director	CAO
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**The District of North Vancouver
REPORT TO COUNCIL**

June 20, 2014
File: 01.0115.30/002.000
Tracking Number: RCA -

AUTHOR: James Gordon, Manager of Administrative Services

SUBJECT: **Park Dedication Removal Bylaw 8076, 2014 (Portion of Bridgman and Seylynn Parks)**

RECOMMENDATION

1. THAT "Park Dedication Removal Bylaw 8076, 2014" is given FIRST, SECOND, and THIRD Reading.
2. THAT approval of the electors be obtained by means of an alternative approval process.
3. THAT the elector response form be approved in the form set out in Attachment 2 to the report of the Manager of Administrative Services dated June 20, 2014.
4. THAT the deadline for submission of elector response forms shall be 4:00 p.m. on Friday, August 29, 2014.
5. THAT a fair determination of the number of electors in the District of North Vancouver is 60450.

REASON FOR REPORT

The reason for this report is to provide for three readings of Bylaw 8076 and to assist Council with the unique requirements of adopting a park dedication removal bylaw.

BACKGROUND

Council wishes to remove the dedication for park and recreation purposes from a select area of Bridgman and Seylynn Parks originally dedicated in Park and Recreation Lands Reserve Bylaw 1978 (Bylaw 5026). Removal of the park dedication will allow the land to be used to accommodate the expansion of the Keith Road Bridge and associated works. Bylaw 8076 identifies this area and will remove the dedication as park upon adoption.

Section 30 of the *Community Charter* requires that any such bylaw first receive the approval of the electors before adoption. Approval of the electors may be obtained by either assent of

the electors (a referendum) or by an alternative approval process. The choice of method is at Council's discretion but the considerable cost of a referendum makes an alternative approval process the preferable cost-effective option.

In choosing to proceed via an alternative approval process Council must establish three things:

1. The elector response form;
2. The deadline for submission of elector response forms; and,
3. A fair determination of the total number of electors in the District.

This report, and its recommendations, assists Council in meeting its statutory obligation.

EXISTING POLICY

For clarity, District policy 12-6139-1, *Requirement for Assent of the Electors by Referendum for Removal of Park Dedication*, does not apply in this case. This policy requires parks dedicate by referendum to have their dedication removed only by referendum. In this case Bridgman and Seylynn Parks were dedicated by bylaw after meeting a 2/3 vote of Council, and not by referendum. This allows a choice of option for removing the dedication: referendum or alternative approval process. Staff are recommending alternative approval process in this case.

ANALYSIS

An alternative approval process is a statutory pause in the adoption process of certain types of bylaws that allows the electors to voice their opposition to the planned course of action by Council. It is characterized such that Council may proceed with the matter unless, by the established deadline, at least 10% of the electors indicate that Council must obtain the assent of the electors (go to a referendum) before proceeding. Approval of the electors by either method must be obtained before Council may proceed with adopting the bylaw; approval of the electors by way of an alternative approval process is obtained if:

1. Notice is published as required;
2. Electors are provided with an opportunity to indicate that Council may not proceed with the bylaw (via elector response form and the established deadline); and,
3. If, by the established deadline, elector response forms received are less than 10% of the eligible electors.

The Municipal Clerk certifies the result as to whether approval of the electors has been obtained or not.

The format of the elector response form must be established by Council. It must be made available at the District Hall from the time of publication of the first notice until the established deadline. It is permissible for the public to copy the document but they must be copies of the established form. The proposed elector response form is attached to this report as Attachment 2.

The deadline for submission of elector response forms must be at least thirty days after the publication of the second of two required notices. The recommended submission deadline is 4:00 p.m. on Friday, August 29, 2014 and is based on the following timetable:

Monday, July 7	Bylaw is given three readings and direction given to staff to proceed by way of an alternative approval process
Sunday, July 13	First notice published – elector response forms must be available
Sunday, July 20	Second notice published – deadline no sooner than thirty days following
Friday, August 29	Deadline 4:00 p.m. – 39 days after second notice published
Monday, September 8	Bylaw may be adopted if approval of the electors is obtained

The number of eligible electors at the 2011 general municipal election was 60450. This number is from Elections BC whose list is adopted by the District as its official list of electors. Given the source of the data, the fact that it is the most recently available list of electors and the fact that the list being prepared for the 2014 municipal election will not be final until September 24, staff feel it is the most accurate available number and would be a sound basis for a determination of a fair number of electors presently in the District; therefore, the “at least 10%” threshold to be met in order to prevent Council from adopting this bylaw is 6045 electors.

CONCLUSION

The foregoing provides background to the decisions Council is required to make in respect of an alternative approval process for Park Dedication Removal Bylaw 8076, 2014. They are required decisions in which Council must be specific. The suggested recommendations fulfil all statutory requirements and provide sufficient direction for staff to proceed with the necessary tasks.

OPTIONS

In respect of Park Dedication Removal Bylaw 8076, 2014 Council has the following options:

1. Proceed with an alternative approval process as recommended;
2. Direct staff to return with a modified proposal such as a different elector response form, different submission deadline, or other determination of the number of electors;
3. Direct staff to return with a proposal to proceed via a referendum; or,
4. Not proceed with the removal of park dedication via bylaw.

Respectfully submitted,

James Gordon
Manager of Administrative Services

- Attachment: 1. Park Dedication Removal Bylaw 8076, 2014
2. Elector response form

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks & Environment _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> Recreation Com. _____
<input type="checkbox"/> Economic Development _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Human resources _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____