

# Memo



**Date:** December 21, 2010  
**File:** 0600-20; SR 151858  
**To:** City Manager  
**From:** City Clerk  
**Subject:** Legislative Tools - Approval of the Electors  
Report Prepared by: Deputy City Clerk

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## Recommendation:

THAT Council receives the report of the City Clerk, "Legislative Tools - Approval of the Electors", dated December 21, 2010, for information;

AND THAT Council direct staff to hold a public meeting regarding the legislated processes for Approval of the Electors during Local Government Week in 2011.

## Purpose:

Council requested that staff provide information on other tools that could be considered for the Alternative Approval Process (AAP) when Approval of the Electors is a requirement under the legislation. Council also requested a public meeting be held regarding the Alternative Approval Process.

## Background:

Council welcomes input from the public informally or formally in a variety of ways. Through public processes incorporated into the daily business of the City, Council has ensured that council meetings, the development applications process, project open houses, committees of council, and others, are structured to provide Council with input on matters of interest to individuals and the community as a whole.

Under the *Community Charter*, Council may also receive community opinion on any City matter through the submission of a *petition* on behalf of a specific group of residents, or Council may choose to seek community opinion through a vote, or any other process that council considers appropriate.

Council may also be required under the legislation to obtain elector approval prior to taking action towards the provision of a benefit or service to the municipality. Council action, which commits the municipality to a cost or liability over time, requires Council to seek the **Approval of the Electors**. This is a legislated condition under the *Community Charter* or the *Local Government Act* that must be met when Council is considering certain proposed bylaws, agreements or other matters.

## Legislated Matters Requiring Approval of the Electors

Since the *Community Charter* came into force in 2004, all legislated approvals to date in the City of Kelowna have been via the AAP (see Appendix A).

Matters that must receive approval of the electors include the provision of services that require loan authorization bylaws, such as improvements to the wastewater treatment facility or pump station. When Council is considering the provision of a benefit involving a capital liability, or is making a commitment

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through a long-term agreement with potential liability to the City, approval of the electors is also required. The cost of long-term borrowing or the risk of a capital commitment must be considered by the electors of Kelowna, in relation to the service or benefit being provided.

### Obtaining the Approval of the Electors

Under the *Community Charter* there are two ways to obtain the approval of the City's electors:

1. Alternative Approval Process (AAP) - often referred to as a 'counter-petition'
  - Requires electors sign a petition against the proposed action being considered by Council.
2. Assent of the Electors - often referred to as a 'referendum'
  - Requires voting by registered electors and is conducted in the same manner as an election.

### Deciding which approval method to choose

In almost all cases, Council has a choice in determining which process to employ in obtaining approval of the electors. Each matter is dealt with on a case-by-case basis with a recommendation to Council included in the report outlining the proposed action.

Some of the considerations in making this determination may include:

- the scope of the matter (cost, impact on taxes, importance to the community)
- extent of previous or ongoing public consultation about the matter
- the time available to conduct either an AAP or a referendum

Under the legislation, regardless of which approval method is chosen, the municipality must follow a public notification process to ensure electors are provided with information on the proposed service/action, all documents related to the action, a contact person for questions regarding the proposed action, the dates for submitting a petition or for voting, and the criteria under which the petition/vote receives the approval of the electors.

	Alternative Approval Process (Counter-Petition)	Assent of the Electors (Referendum)
Residents involvement	Against a proposed action	In favour or against a proposed action
Affected Residents	A specific service area, or Community-at-large	Community-at-large
Voting opportunity	Continuous over the 30days	Advance & General voting day
Timeframe	Approximately one month	Approximately four months
Costs	Advertising	Advertising, voting location rental, ballots, election staff and related costs.
Results	Indicates level of opposition and leaves further action to the discretion of Council	Indicate level of support and is binding on Council

Legal/Statutory Authority: *Community Charter, Local Government Act*

**Considerations not applicable to this report:**

Existing Policy:

Internal Circulation:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Community & Media Relations Comments:

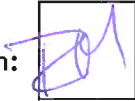
Alternate Recommendation:

Submitted by:



Stephen Fleming, City Clerk

Approved for inclusion:



R. Mayne, Director Corporate Services

CC: