

DATE OF MEETING JUNE 13, 2024

AUTHORED BY SHEILA GURRIE, DIRECTOR, LEGISLATIVE SERVICES

**SUBJECT ALTERNATIVE APPROVAL PROCESS POLICY OPTIONS**

## **OVERVIEW**

### **Purpose of Report**

To provide the Governance and Priorities Committee with policy options for future Alternative Approval Processes (AAP).

### **Recommendation**

1. That the Governance and Priorities Committee recommend staff return to Council with a policy for their consideration that includes:
  - a. The method of communication/engagement be considered on a case-by-case basis based on the scale and the borrowing amount of the project; and,
  - b. Set 100 forms per day per person as the limit of forms provided to citizens during the AAP period.
2. Provide direction to staff on the inclusion of mail-out options for response forms and electronic submission of response forms in the policy.

## **BACKGROUND**

At the 2023-DEC-04 Regular meeting of Council, the following motion was made:

“It was moved and seconded that staff provide a report and recommendations outlining policy options to improve accessibility and increase the ability of electors to engage in the democratic process when the Alternative Approval Process is used for elector approval”.

Feedback received by Council and staff included, but was not limited to:

- Mail-in and electronic forms should be allowed (note: mail-in is allowed);
- Email responses;
- More open houses;
- Clarity around project requiring borrowing;
- Notification and communication around the AAP process and the project;
- Education around the borrowing process; and
- Mail drops to all households.

Staff investigated other municipality’s practices during an AAP process, reaching out to many with questions and reviewed policies that exist around accessibility and increasing engagement during an AAP. Prior to the review being completed, and implementing some of the feedback

heard, the City conducted an AAP in January 2024 and steps to increase engagement from previous AAPs were taken and feedback received from the public was positive.

## **DISCUSSION**

Long-term borrowing by a municipality is one of the matters considered by Council that requires approval of the electors in accordance with the *Community Charter*. The two ways to obtain approval of the electors is either by an Assent Vote or by the Alternative Approval Process. These processes are both subject to Provincial legislation that local governments must follow.

An Assent Vote, often referred to as a Referendum, is a large undertaking with significant costs and staff resources. Alternatively, an AAP can be undertaken with significantly lesser costs and resources. Certain parts of the process for both methods are non-negotiable under the legislation. Some exceptions apply and where the City of Nanaimo can go above and beyond, it is best to set out those methods in policy in order to be consistent and lessen the opportunity for error.

The “Alternative Approval Process: A Guide for Local Governments in British Columbia”, outlines where a local government can set certain processes out in policy, where not noted in the legislation. The areas where there is a possibility for variables, where a local government can go above and beyond, are basically engagement/communication and procedures for providing and accepting response forms.

## **AAP POLICY CONSIDERATIONS:**

The Provincial guidelines for an AAP outline this method of obtaining approval of the electors as accessible and convenient with considerably less costs. Elector approval is required for long-term borrowing, boundary extensions, exchange or other disposal of parkland, etc. Each decision for an AAP versus an Assent Vote requires a Council resolution. The method of communication/engagement can be considered on a case-by-case basis as well, rather than having a blanket process for all AAP’s. This can be outlined in the policy and would allow for latitude of scale, based on the project requiring elector approval.

It is not recommended that legislative requirements outlined in the *Community Charter* for holding an AAP process be included in policy; rather it should be set out in procedure as there is no flexibility in that part of the process.

Below outlines options that the Governance and Priorities Committee may wish to include in a policy. The ability to adjust processes outlined in the policy (that not subscribed in the legislation) are available, as always, should Council choose to.

### **Communication/Engagement:**

Attachment A outlines communications and engagement taken for the last AAP for borrowing conducted in January 2024. Feedback was positive and there were several opportunities to provide clarity around the AAP process as well as the project itself.

Options related to Communication/Engagement for Council to consider would be:

- To have staff create a communications and engagement plan for the AAP process (contiguous with a communications plan for the project) for any borrowing bylaw AAP's to be endorsed by Council on a case by case basis.
- To modify these communications and engagement initiatives as needed based on the scale of the project and type of AAP.

#### Response Forms – Availability:

Currently, response forms are available at City Hall and on the City website with the ability to be printed and dropped off in person to City Hall during regular business hours or mailed in by Canada Post.

Suggestions we heard and considered during our review process included:

- Inserting response forms in User Rate bills:
  - User Rate bills are not sent to every homeowner in Nanaimo at one time – rather the process is staggered in a manner across the City and therefore only a fraction of homeowners would receive the response form.
  - These bills are sent to homeowners only and they may not necessarily be the occupiers of the residence.
  - The timing of these bills may be incongruent with the AAP timelines as well.
- Canada Post flyer drop (unaddressed mail)
  - Approximate cost of \$11,500.00 depending on format and contents.
  - These are costly and an AAP is meant to provide cost savings; however, it is still significantly less than holding an Assent Vote.
  - The disadvantage of this option is that the flyer drop would encompass an area larger than the eligible elector boundaries set out in legislation. This could cause confusion for residents that received a form and are then told they cannot participate as they are outside of the electorate area.
- Canada Post Direct Mail to Homeowners:
  - Postage costs \$32,650.00, printing \$5,000.00 (depending on the format).
  - These are costly and an AAP is meant to provide cost savings; however, it is still significantly less than holding an Assent Vote.
  - This option would go to homeowners only and would not necessarily reach apartment buildings or other forms of rental housing.
- Having response forms available at City facilities other than City Hall:
  - Logistically ensuring all forms are returned to City Hall and not the location they were picked-up from, could be difficult.
  - Electors may feel frustrated when response forms are rejected from being received at the location(s) they were picked-up from.
  - Staff at these facilities won't necessarily be familiar with the legislation and process, which could result in confusion or errors.

- Number of response forms available for electors:
  - Staff investigated other local governments and policies related to AAP's to determine current practice which varies from place to place.
  - During the most recent two AAP's a handful of citizens requested up to 1000 forms on a daily basis and when limited to 100 by the Corporate Officer, appealed this decision to Council.
  - As anyone has the ability to print as many response forms as they would like directly from our website, Council could consider limiting this number to 100 response forms per day and set this number in the policy.
  
- Response forms available in Newspaper:
  - Staff considered an accessible way of reaching more electors that do not have printers by having the response form as a cut out or an insert in the Nanaimo News Bulletin.
  - The Nanaimo News Bulletin newspaper reaches approximately 30,000 residents weekly and having a form that could be either cut out or included as an insert would allow more residents easy access to these forms.

#### Response Forms – Submission:

There has been significant feedback during the past two AAP's regarding the submission of the response forms. Staff have researched the legislation, practices and policies that other local governments follow and worked with the City's Information and Technology (IT) department to come up with some options that could be placed in a policy.

- Electronic submission:
  - Electronic submissions could be done through the City of Nanaimo's website where scanned or photographed forms can be uploaded safely.
  - The forms would have the eligible elector's signature and access would be limited to the Corporate Officer and staff from Legislative Services authorized to assist the Corporate Officer as outlined in the legislation.
  - This method is safer and recommended over email submissions that create a threat to cyber security (viruses, etc.).
  
- Electronic signatures:
  - This method of receiving response forms could be achieved entirely electronically with the legislated requirement of a signature being met by DocuSign (an electronic signature software).
  - The costs associated with this method are \$3.00 to \$4.00 per signature.
  - Until a method of ensuring attempts to make multiple submissions is achieved, this could be too costly to undertake at this time. We will continue to work with our Information and Technology Department to advance this method and come back with overall estimated costs.

## **CONCLUSION:**

After every Election or AAP/Assent Vote held, staff review feedback heard from all sources. Accessibility for future AAP's was heard as an improvement that could be made, as well as increased education and understanding around the process. There is so much misinformation in the community today; therefore, ensuring the correct information is shared becomes critical.

There are few areas that Council can choose to increase engagement and communications when seeking approval of the electors via an Alternative Approval Process. Setting in policy that a communication/engagement plan be adopted that is consistent with the communication plan for the project itself, will allow for better information sharing and education with the electors. Allowing for electronic submissions for response forms, along with the existing process of sending in by mail and dropping of forms during a 30 plus day period, increases an already accessible process.

## **OPTIONS**

1. That the Governance and Priorities Committee recommend staff return to Council with a policy for their consideration that includes:
  - a. The method of communication/engagement be considered on a case-by-case basis based on the scale and the borrowing amount of the project; and,
  - b. Set 100 forms per day per person as the limit of forms provided to citizens during the AAP period.
2. Provide direction to staff on the inclusion of mail-out options for response forms and electronic submission of response forms.

The advantages of this option:

- Having a policy that outlines methods for communication and engagement; response forms availability; and, response forms submissions will allow for a more informative and accessible AAP.

The disadvantages of this option:

- The staff time (capacity) with greater communication/engagement as well as different methods of returning a response form could be significant. As well, the risk of error, or inconsistency could increase with the addition of multiple steps.

Financial Implications:

- The costs for an AAP related to a borrowing bylaw could significantly increase based on options included in the policy. Flyer drops or direct mail from Canada Post range between \$11,500.00 to \$37,650. The true cost increases would not be known until a comparison between a future AAP with new methods applied versus previous AAP's. AAP's are included in the Legislative Services budget annually for a nominal amount of money most years. Assent Votes (referendum) are only budgeted for in years where capital projects that Council wishes to proceed with and borrowing is the source of funding, are planned for.

2. That the Governance and Priorities Committee provide alternate direction. |

**SUMMARY POINTS**

- The “Alternative Approval Process: A Guide for Local Governments in British Columbia”, outlines where a local government can set certain processes out in policy, where not noted in the legislation.
- Council provided direction to have staff report back with options for inclusion in an AAP Policy.
- Staff have incorporated feedback received from a number of different areas and have outlined factual information in response to suggestions and upon review.

**ATTACHMENTS:**

ATTACHMENT A: Communication and Engagement Initiatives taken in January 2024 AAP. |

**Submitted by:**

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**Concurrence by:**

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