

DATE OF MEETING JULY 15, 2024

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SUBJECT ALTERNATIVE APPROVAL PROCESS POLICY

OVERVIEW

Purpose of Report

To provide the Governance and Priorities Committee with a draft Alternative Approval Process (AAP) Policy for consideration and endorsement.

Recommendation

That the Governance and Priorities Committee recommend that Council endorse the draft Alternative Approval Process Policy as outlined in Attachment A of the report titled "Alternative Approval Process Policy" dated 2024-JUL-15.

BACKGROUND

At the 2024-JUN-17 Regular Council Meeting, Council passed the following motion:

"That Council direct Staff to prepare a draft policy for the Governance and Priorities Committee that includes:

- a. That the method of communication/engagement be considered on a case-by-case basis based on the scale and the borrowing amount of the project;
- b. That the number of response forms be limited to 10 forms per person for the duration of the AAP period; and
- c. Options for the inclusion of mail-out options for response forms and electronic submission of response forms."

An alternative approval process (AAP) is a form of approval that allows electors to indicate whether they are against a local government proposal moving forward. If 10% or more of the eligible electors sign and submit response forms, the local government cannot proceed with the matter proposed in the bylaw without first holding a referendum (assent voting).

An AAP is subject to Provincial legislation that local governments must follow. In addition, the document *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.

A draft Alternative Approval Process Policy has been prepared for Council's consideration (Attachment A).

DISCUSSION

The draft Alternative Approval Process Policy includes the following:

Number of Elector Response Forms provided

Based on Council direction, a maximum of ten (10) printed copies of an elector response form will be provided per individual throughout the process for an AAP.

Methods for receiving response forms

The AAP Policy proposes the following methods for receiving elector response forms:

1. In person at City Hall
2. Via mail
3. Through electronic submission on the City of Nanaimo's website

Previously, the City has accepted elector response forms in person or by mail. The document *Alternative Approval Process: A Guide for Local Governments in British Columbia* notes that local governments can allow elector response forms to be submitted by electronic means, but recommends having a formal policy in place.

In reviewing the practices of other local governments in BC, allowing for electronic submissions of elector response forms is becoming common practice. Council has engaged in advocating to the Province for clearer legislation around the use of electronic submissions, and the AAP process in general, but in the meantime allowing response forms to be submitted electronically aligns with the practice of many other local governments and increases accessibility of the alternative approval process.

Staff are not recommending accepting response forms via email due to cyber security concerns. Email attachments can contain viruses that could penetrate the City's network; however, scanned or photographed forms can be uploaded safely and securely through the City of Nanaimo website. Forms will still require an original signature; however, the draft policy does not require a physical copy to be subsequently submitted. Electronic submissions that include an original signature (scanned/photographed) and meet the legislated requirements would be accepted.

Withdrawing an Elector Response Form

The Ministry's AAP guidelines note that an elector is entitled to receive their form back should they request to do so, and that local governments may choose to set out requirements for returning forms to an elector. The AAP Policy outlines that this request must be made in writing prior to the response deadline and proof of identification will be required to ensure personal information is being protected.

Communication and Engagement Strategy for Council endorsement

The Communication and Engagement Strategy will include a high-level overview of the methods staff propose for raising awareness and providing information regarding an upcoming AAP. The Strategy will be considered on a case-by-case basis for each AAP and take into account the complexity and financial impact of the proposal. The costs associated with communicating an AAP, beyond the legislated requirements, could vary significantly depending on the project's

scope and the methods used. Having Council endorse a Communication and Engagement Strategy prior to an AAP commencing provides clear direction to staff, and an approved budget for the associated costs.

While not specified in the AAP Policy, staff will not be recommending a mail-out of elector response forms for AAPs. The report by Lisa Zwarn, presented at the 2024-JUN-12 Governance and Priorities Committee meeting, noted several factors as to why mailing out elector response forms could be problematic. A mail-out of information handouts could still be considered as part of the Communication and Engagement Strategy.

OPTIONS

1. That the Governance and Priorities Committee recommend that Council endorse the draft Alternative Approval Process Policy as outlined in Attachment A of the report titled "Alternative Approval Process Policy" dated 2024-JUL-15.
 - The advantages of this option: Establishing a policy for processes related to an AAP that are not directed by legislation provides clear direction to staff and aligns with recommendations outlined in the document *Alternative Approval Process: A Guide for Local Governments in British Columbia*.
 - The disadvantages of this option: Changes to the AAP process, such as allowing for receipt of electronic submissions and limiting the number of forms available to 10 per person, will require staff to develop additional procedures and adds complexity to the current processes. Some electors may be dissatisfied that an original signature will still be required and that the number of forms they can collect will be limited.
 - Financial Implications: Having Council endorse a Communication and Engagement Strategy prior to an AAP commencing could lead to additional costs for holding an AAP than what has historically been budgeted. While this will be considered on a case-by-case basis, there may be times in the future where additional funds will need to be identified making it harder to predict how to budget for an AAP.
2. That the Governance and Priorities Committee provide feedback to staff regarding amendments to the draft Alternative Approval Process Policy and for staff to provide Council with an updated policy for endorsement at a future Council meeting.
 - The advantages of this option: Should the Governance and Priorities Committee wish to make amendments to the draft AAP Policy, staff could incorporate those into an updated policy which would be brought forward for endorsement at a future Council meeting.
3. That Council provide alternate direction..

SUMMARY POINTS

- A draft Alternative Approval Process (AAP) Policy has been brought forward based on feedback and direction from Council.
- The draft policy would establish processes related to an AAP that are not specifically directed by legislation.
- The draft policy proposes limiting the number of printed elector response forms provided to individuals to ten copies, allowing for forms to be submitted electronically through the City's website and having Council endorse the methods of communication and engagement to be used for an AAP on a case-by-case basis.

ATTACHMENTS:

ATTACHMENT A: Draft Alternative Approval Process (AAP) Policy |

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Concurrence by:

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