



REQUEST FOR DECISION

To: ACRD Board of Directors

From: Wendy Thomson, Manager of Administrative Services

Meeting Date: October 9, 2019

Subject: **Alternative Approval Process – Bylaw E1062, West Coast Transit Service Area Establishment, 2019**

Recommendation:

THAT the Alberni-Clayoquot Regional District Board of Directors approve the following in order to conduct the Alternative Approval Process for Bylaw E1062, *West Coast Transit Service Area Establishment, 2019*:

- a. approve the Elector Response Form as presented;
- b. determine the estimated number of eligible voters to which this Alternate Approval process applies to be 6021;
- c. establish Friday, November 29, 2019 at 4:00 pm as the deadline for receiving elector responses at the Alberni-Clayoquot Regional District Office; and
- d. approve the synopsis of Bylaw E1062 as presented;

Desired Outcome:

To conduct an Alternate Approval Process (AAP) in order to obtain elector approval to proceed with adoption of Bylaw E1062, *West Coast Transit Service Area Establishment, 2019* to establish and operate a transit service on the west coast.

Background:

The Alberni-Clayoquot Regional District (ACRD) Board of Directors proposes to establish by bylaw E0162, a conventional fixed route transit service on the west coast. The ACRD will partner with BC Transit to operate the service between Tofino, Ucluelet and Long Beach, with stops in between including the First Nation communities of Hitacu, Esowista and Ty-histanis.

The ACRD Board of Directors at their regular meeting held on September 11, 2019 gave three readings to Bylaw E1062, *West Coast Transit Service Area Establishment, 2019* and confirmed that the AAP process would be the method used to gain consent of the electorate within the entire service area (Long Beach, Tofino, Ucluelet, Toquaht and Yuułuʔiłʔatḥ).

The AAP process allows local governments to proceed with the project unless at least 10% of qualified electors within the service area state their **opposition** within the prescribed period. If at least 10% of qualified electors within the service area state their opposition to the project, the Board has two choices, hold an assent vote (referendum) or not proceed with project at this time.

AAP Next Steps:

Bylaw Approval – Ministry of Municipal Affairs & Housing – Inspector of Municipalities

Prior to proceeding with the AAP, approval of Bylaw E1062 is required from the Inspector of Municipalities. The ACRD received approval from the Inspector of Municipalities on **INSERT DATE OF INSPECTOR APPROVAL**.

The Regional District is now in a position to proceed with the Alternative Approval Process. In order to do so, the ACRD Board of Directors are required to approve the following:

1. Establish the Elector Response Form

The ACRD Board of Directors must approve the Elector Response Form to be used for this AAP. The *Community Charter* prescribes what must be included on the Elector Response form. Attached for approval of the Board is the West Coast Transit AAP Elector Response Form with the required legislative information. During the AAP, Elector Response Forms can be downloaded on the ACRD website or picked up at any of the participating local government offices. Elector Response forms MUST be delivered back to the Corporate Officer at the ACRD Office by the deadline in order to be counted.

2. Make a fair determination of the total number of electors to which the approval process applies

The *Community Charter* requires the ACRD Board of Directors to approve a fair determination of the total number of eligible electors of the area to which the AAP applies. This figure forms the basis of the 10% threshold. ACRD staff have determined the total number of electors to be 6,021, therefore the 10% threshold for this AAP is 602. The determination is attached. Local governments must make this determination, upon request, available to the public that sets out how the total number of eligible electors was determined.

3. Establish the deadline for elector responses

The *Community Charter* requires the local government to publish a notice of the AAP in the local newspaper for two consecutive weeks. The time period for receiving elector response forms must be at **least 30 days** following the day on which the second required notice is published. Staff propose the following:

Proposed AAP Timeline	
Date	Action
October 9 th	Board approves the bylaw synopsis, elector response form, establishes the deadline and fair determination
October 16 th & October 23 rd	Two required notices published in the Westerly News
October 16 th at 8:00 am to November 29 th at 4:00 pm	Elector Response Form submission period
November 29th at 4:00 pm	Deadline to submit Elector Response Forms to the Corporate Officer (Manager of Administrative Services) at the ACRD Office
December 3 rd	AAP Determination by the Corporate Officer
December 11 th	ACRD Board of Directors consider: <ul style="list-style-type: none"> • adoption of Bylaw E1062 (if AAP successful) • proceed to referendum • put the project on hold (not proceed)

4. Approve a Synopsis of Bylaw E1062

The *Local Government Act* allows local governments to approve a synopsis of the bylaw for notice purposes. The synopsis must include the intent of the bylaw (in general terms), the area subject to the bylaw and where a complete copy of the bylaw can be viewed. Using a synopsis for the required public notices instead of the publishing the entire bylaw is much more cost effective and easier for the public to interpret. Attached for consideration of approval by the Board is a synopsis of Bylaw E1062. The full bylaw will be available for public viewing at the participating local government offices and on the ACRD website.

Public Engagement

Active citizen engagement and information-sharing are critical to ensuring a fair and balanced AAP. In addition to the statutory required advertisements in the local newspapers, the ACRD Board has resolved to engage the electors respecting the proposed West Coast Transit Service which includes public engagement sessions and advertising that will include advocating for the benefits of the new service. The ACRD and BC Transit will be hosting open houses on the

west coast at the end of October, beginning of November (dates and locations to be announced). ACRD staff are also developing an information sheet "Frequently Asked Questions" for this AAP. Information on this AAP process and the proposed west coast transit project will be shared with the participating local government offices and posted on the ACRD website.

Time Requirements – Staff & Elected Officials:

Substantial staff time required to prepare and conduct an alternative process. AAP's take approximately 2 months to prepare and conduct.

Financial:

\$3,000 was budgeted in 2019 through the west coast transit proposed service budget for this AAP.

Policy or Legislation:

Local Government Act and Community Charter apply.



Submitted by: _____

Wendy Thomson, Manager of Administrative Services



Approved by: _____

Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer



“West Coast Transit Service Area Establishment Bylaw No. E1062, 2019”

A bylaw to establish and operate a public transportation service within the District of Ucluelet, District of Tofino, Toquaht Nation, Yuułuʔiłʔatḥ Government and Electoral Area “C” (Long Beach) of the Alberni-Clayoquot Regional District (ACRD)

By completing this Elector Response Form I **OPPOSE** the Alberni-Clayoquot Regional District’s intention to adopt *Bylaw E1062, West Coast Transit Service Area Establishment, 2019* which authorizes the ACRD Board of Directors to establish and operate a public transportation service within the District of Ucluelet, District of Tofino, Toquaht Nation, Yuułuʔiłʔatḥ Government and Electoral Area “C” (Long Beach), unless a vote (referendum) is held.

Full Name of Elector: _____
(ex. Donald Smith – not D. Smith) (Please Print)

Elector’s Residential Address: _____
(full residential (street) address including town/city)

Signature of Elector: _____ **Date:** _____, 2019.
(signature)

To be completed (in addition to above) if you are a Non-Resident Property Elector

I am a **non-resident property elector** who lives in another community and owns property in the ACRD located at:

(insert full civic address or legal description of property)

Elector qualifications can be found on the reverse side of this form

ELECTOR RESPONSE FORM SUBMISSIONS

The **DEADLINE** for submitting this **Elector Response Form** is **4:00 pm on Friday, November 29, 2019.**

Elector Response Forms can be submitted by mail, email, fax on in person by the **DEADLINE** to:

Corporate Officer

Alberni-Clayoquot Regional District, 3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

Email: responses@acrd.bc.ca Fax: (250) 723-1327

If at least 10% (602) of eligible electors within the proposed service area sign and submit a completed **Elector Response Form** by the **DEADLINE**, the ACRD Board of Directors may not proceed with adopting “*Bylaw No. E1062, West Coast Transit Service Area Establishment, 2019*” unless elector approval is obtained by assent voting (referendum).

Note: A person must not sign more than one Elector Response Form in relation to this Alternative Approval Process

Additional information on this Alternative Approval Process and the proposed transit service is attached

Information Regarding Qualifications for Electors

In order to sign an Elector Response Form for this Alternative Approval Process (AAP), a person must either be a **resident elector** or a **non-resident property elector** within the participating service area. For the purposes of this AAP the participating service area includes: Electoral Area "C" (Long Beach), District of Tofino, District of Ucluelet, Yuułuʔiłʔatḥ Government and the Toquaht Nation.

A **resident elector** is an individual who is qualified to sign an Elector Response Form during an AAP by virtue of living (residing) within the proposed service area. 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 6 months;
- have lived in the AAP service area (Long Beach Electoral Area, District of Tofino, District of Ucluelet, Yuułuʔiłʔatḥ Government or Toquaht Nation) for at least 30 days;
- 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 (does not reside) in the proposed AAP service area but is entitled to vote by virtue of owning real property in the proposed service area. When signing an Elector Response Form, a **non-resident property elector** must:

- be 18 years of age or older;
- be a Canadian Citizen;
- have lived in British Columbia for at least 6 months;
- be a registered owner of real property within the AAP service area (Long Beach Electoral Area, District of Tofino, District of Ucluelet, Yuułuʔiłʔatḥ Government or Toquaht Nation) for at least 30 days;
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or otherwise disqualified by law;

Note: Only one **non-resident property elector** may sign and submit an Elector Response Form per property, regardless of how many people own the property; and, that owner must have the written consent of the majority of the other property owner(s) to sign the Elector Response Form on their behalf. Non-resident Property Elector Consent Forms are available for download on the ACRD website at www.acrd.bc.ca. **Property owned in whole or in part by a corporation are not qualified to submit an Elector Response Form.**

INSTRUCTIONS

If you are **OPPOSED** to the adoption of "Bylaw No. E1062, West Coast Transit Service Area Establishment, 2019" you can sign and submit an Elector Response Form if you qualify as an elector of the participating service area. All Elector Response Forms **must** be received in the office of the ACRD no later than the **DEADLINE of 4:00 pm on Friday, November 29, 2019**. Elector Response Forms will **only** be received at the **ACRD Office** in Port Alberni, BC.

If you are **NOT OPPOSED** to the adoption of "Bylaw No. E1062, West Coast Transit Service Area Establishment, 2019" you don't need to do anything.

A copy of Bylaw E1062, Elector Response Forms, Non-Resident Property Elector Forms and staff reports summarizing this project are available on the Regional District website at www.acrd.bc.ca and at the ACRD Office, 3008 Fifth Avenue, Port Alberni, BC during regular office hours.

For further information contact: Wendy Thomson, Manager of Administrative Services at (250) 720-2706 or email: wthomson@acrd.bc.ca.

Estimated Population for West Coast Transit AAP

Tofino, Ucluelet, Area "C", Toquaht, YG, Non-Treaty First Nations within Area "C"

	Total Population ¹	Pop. 15+ years in 2016 census ¹
District of Tofino	1932	1670
District of Ucluelet	1717	1435
Area "C" - Long Beach	677	550
Non-Treaty First Nations Located within Area "C"		
<i>Ahousaht First Nation</i>		
<i>Marktosis 15</i>	622	430
<i>Tla-o-qui-aht First Nation</i>		
<i>Eowista 3</i>	94	80
<i>Opitsat 1</i>	150	100
<i>Hesquiaht First Nation</i>		
Refuge Cove 6	44	40
Hesquiaht	5	5
Yuulúʔiʔatʰ Government		
<i>Ittatsoo 1</i>	274	225
Toquaht Nation		
<i>Macoah 1</i>	19	19
Total	5,534	4,554

Estimated Number of Parcels with Non-Resident Property Owners

	No. of Parcels with Non-Resident Owners ²
District of Tofino	455
District of Ucluelet	603
Area "C" - Long Beach	409
Total	1,467

Estimated Total of Eligible Electors

	Estimated Total Electors	Estimated 10% of Electors
	6,021	602

Notes

1. Population data from the Statistics Canada 2016 Census Profile. Population of residents aged 15 years and older was used to estimate the total number of electors (residents aged 15 years old in 2016 would be 18-19 years old in 2019). Estimated number of electors in each area is as accurate as possible but does not take into account any population change since the 2016 census.
2. Non-Resident Property Owners for Electoral Area "C", District of Tofino and District of Ucluelet were derived from BC Assessment data where owners of property within the proposed Service Area reside out side of the area. Properties owned by incorporated companies and duplicate owners were removed as well as resident addresses from out of country. Where multiple owners are registered on the property title, the parcel is only counted once.



Synopsis of Bylaw E1062, West Coast Transit Service Area Establishment, 2019

PURPOSE/INTENT the purpose of Bylaw E1062, *West Coast Transit Service Area Establishment, 2019* is to establish and operate a public transportation service on the west coast.

DESCRIPTION the Alberni-Clayoquot Regional District proposes to partner with BC Transit to provide a conventional fixed route transit service operating between Tofino, Ucluelet, Long Beach, Toquaht, Yuułuʔiłʔatḥ, Hitacu, Esowista and Ty-histanis.

SERVICE AREA the participants of the service area established under this Bylaw are the District of Ucluelet, District of Tofino, Toquaht Nation, Yuułuʔiłʔatḥ Government and Electoral Area "C" (Long Beach).

MAXIMUM REQUISITION the maximum amount that may be requisitioned annually for the cost of this service is \$550,000 or \$0.294 per \$1,000 of taxable value of land and improvements, whichever is greater.

APPORTIONMENT the net annual costs of providing the service shall be apportioned among the participants in the following manner: 50% on the basis of population as determined by Statistics Canada's most recent census data and 50% on the basis of converted land and improvements.

BYLAW E1062 a full copy of Bylaw E1062 is available for public viewing on the ACRD website at www.acrd.bc.ca or at the following local government offices, Monday to Friday, during regular office hours: Alberni-Clayoquot Regional District, District of Ucluelet, District of Tofino, Toquaht Nation and Yuułuʔiłʔatḥ Government.

Note: This synopsis is not an interpretation of Bylaw E1062