



To: General Purposes Committee

Date: January 12, 2005

From: J. Richard McKenna
City Clerk

File: 12-8000-01

Re: McLean Park Land Exchange Bylaw Alternative Approval Process

Staff Recommendation

That:

1. March 7, 2005 be established as the deadline for receiving elector responses for the McLean Park Land Exchange Bylaw alternative approval process;
2. the Elector Response Form be established as that set out in Schedule 2 of the report (dated January 12, 2005 from the City Clerk);
3. the number of electors registered for the 2002 General Local and School Election, being 78,840 electors, be determined as the total number of electors to which the McLean Park Land Exchange Bylaw alternative approval process applies.

J. Richard McKenna
City Clerk
(3266)

Att. 2

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER		
Manager, Lands and Property.....	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
REVIEWED BY TAG	YES <input type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Origin

On January 10, 2005, Council gave first, second and third reading to McLean Park Land Exchange Bylaw No. 7863 and referred the bylaw to the electors for an alternative approval process prior to adoption. Under the requirements of the Community Charter, Council must establish several key parameters for the alternative approval process in terms of deadlines, elector response forms and numbers of electors to which the process will apply.

Analysis

The alternative approval process (formerly the counter petition process under the *Local Government Act*) requires a notice to be published twice (Schedule 1) which describes the subject of the alternative approval process and establishes the procedure by which electors may register their opposition to the given proposal, in this case, the McLean Park Land Exchange Bylaw. If more than 10% of Richmond electors submit response forms in opposition to the proposal by the established deadline, then Council may not proceed with the adoption of the Bylaw unless the matter is put to a referendum. If less than 10% of the electors sign response forms, then the approval of the electors will have been obtained.

The first parameter that must be set by Council is the deadline for receiving elector responses. The earliest date that would meet the 30-day notice period following the publication of the second notice is March 7, 2005.

The second parameter that Council must establish is the form to be used for elector responses. Attached to this report (Schedule 2) is an Elector Response Form which would meet all the statutory requirements.

The third parameter that must be set by Council is to make a fair determination of the total number of electors to which the approval process applies. Because the City only obtains an updated list of electors from Elections BC just prior to a local government election, the most recent list of electors that is available is that which was used for the 2002 Local Government and School Election. The total number of electors from that list, including the electors who registered on General Voting Day in 2002, is 78,840. The determination of this number is important in order to establish the 10% threshold at which the approval of the electors would have deemed to have failed.

Financial Impact

None, other than the cost of the statutorily-required advertising.

Conclusion

As outlined above, Council must establish several key parameters for the McLean Park Land Exchange Bylaw alternative approval process. If approval of the electors is obtained, adoption of the bylaw could proceed at the March 14, 2005 Regular Council meeting.



David Weber
Manager, Legislative Services
(4098)



City of Richmond

Notice of Alternative Approval Process McLean Park Land Exchange Bylaw

Notice is hereby given under the requirements of the Community Charter that the City Council of the City of Richmond is considering an exchange of land with 598401 BC Ltd., owners of 22611 Westminster Highway.

General Description of Land Exchange

The proposed land exchange would see 341.2 square metres of the city-owned McLean Park (the portion of land labelled "B" in the diagram) exchanged for an equal area from 22611 Westminster Highway (the portion of land labelled "A" in the diagram). The land exchange, which would come into effect with the adoption of Bylaw 7863, would aid the efficiency of park maintenance for the City and create a better development site with a more regular shape for the owners of 22611 Westminster Highway. The portion of land obtained by the City (labelled "A") would become parkland and the land exchange is to be completed at no cost to the City.

Alternative Approval Process

Council may proceed with the adoption of Bylaw 7863, the McLean Park Land Exchange Bylaw, unless at least 10% of the electors of the City of Richmond (7884 electors) sign elector response forms indicating their opposition to the proposed land exchange.

The proposed bylaw and related records are available for public inspection at the City Clerk's Office, Richmond City Hall, 6911 No. 3 Road, Richmond, BC, 8:15 a.m. to 5:00 p.m., Monday through Friday, excluding statutory holidays, from January 27, 2005 to March 7, 2005.

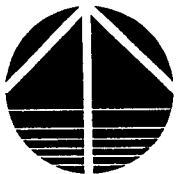
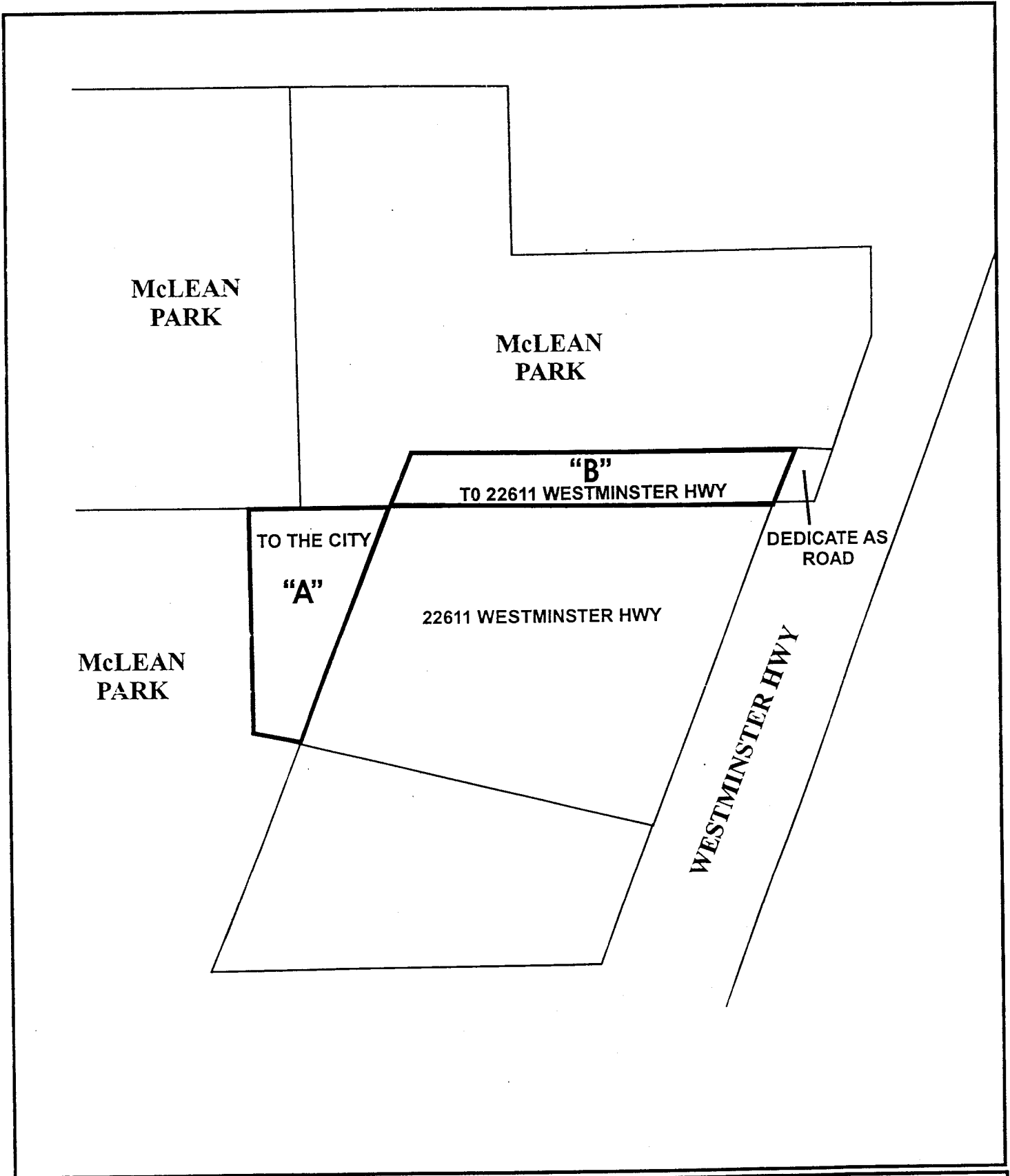
Elector response forms must be in the form provided by the City and are available at the Information Counter on the first floor of City Hall, 6911 No. 3 Road, Richmond, BC., 8:15 a.m. to 5:00 p.m., from Thursday, January 27, 2005 to Monday, March 7, 2005. Elector response forms are also available on the City website at www.richmond.ca/cityhall/council/notices.htm or by calling the City Clerk's Office at (604) 276-4007 during regular business hours.

Originally signed elector response forms must be received at City Hall by 5:00 pm, March 7, 2005.

Only electors of the City of Richmond are eligible to sign an elector response form. Qualified electors are those persons meeting all of the following qualifications:

- a Canadian citizen;
- an individual who is age 18 or older;
- a resident of BC for at least the past six months;
- a Richmond resident or owner of property within Richmond for at least the last 30 days;
- must not be disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law.

J. Richard McKenna
City Clerk



22611 Westminster Hwy

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Adopted Date: 01/11/05

Amended Date:

Note: Dimensions are in METRES



City of Richmond

Alternative Approval Process
McLean Park Land Exchange Bylaw

Elector Response Form

I hereby declare the following:

1. That I am Canadian citizen;
2. That I am an individual who is age 18 or older;
3. I have been a resident of British Columbia for at least the past 6 months;
4. I have been a Richmond resident or owner of property within Richmond for at least the last 30 days;
5. I am not disqualified by the Local Government Act or any other enactment from voting in an election or otherwise disqualified by law.

I understand that by signing this form I am declaring the above facts and am petitioning against the adoption of Bylaw 7863, the McLean Park Land Exchange Bylaw, and am against the City of Richmond exchanging a portion of McLean Park for a portion of 22611 Westminster Highway, owned by 598401 BC Ltd.

NAME OF ELECTOR:

(Please Print Name)

RESIDENTIAL ADDRESS:

(or address of property for which you are registering as a non-resident property elector)

SIGNATURE OF ELECTOR:

NOTE: This originally-signed form must be returned to the City of Richmond at Richmond City Hall, located at 6911 No. 3 Road, Richmond, BC, V6Y 2C1 no later than 5:00 pm on March 7, 2005, during the hours of 8:15 a.m. to 5:00 p.m., Monday through Friday, excluding statutory holidays.

A person must not sign an elector response form more than once and may not withdraw their name from the alternative approval process petition after the March 7, 2005 deadline.