



To: Richmond City Council
From: David Weber
Director, City Clerk's Office

Date: September 7, 2006
File: 12-8060-20-8084

Re: **Albert Airey Park - Sale of Portion of Park Bylaw
Alternative Approval Process**

Staff Recommendation

That:

1. October 23, 2006 be established as the deadline for receiving elector responses for the Albert Airey Park – Sale of Portion of Park Bylaw alternative approval process;
2. the Elector Response Form be established as that set out in Schedule 2 of the report dated September 7, 2006 from the Director, City Clerk's Office.
3. the number of electors registered for the 2005 General Local and School Election, being 116,821 electors, be determined as the total number of electors to which the Albert Airey Park – Sale of Portion of Park Bylaw alternative approval process applies.

David Weber
Director, City Clerk's Office
(4098)

Att. 2

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

Staff Report

Origin

Under the requirements of the Community Charter (Section 27), the City may sell parkland with the passage of a bylaw that is subject to the alternative approval process. On September 6, 2006, at a Regular Council Meeting for Public Hearings, Council gave second and third readings to Albert Airey Park – Sale of Portion of Park Bylaw 8084. Prior to adopting Bylaw 8084, the City must seek the approval of the electors through the alternative approval process, and Council must establish, through resolution, 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 for two consecutive weeks in the local newspapers (Schedule 1). After the second publication of the notice, the public is granted a thirty day period in which to review the proposal and register opposition using an Elector Response Form. 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 in objection, 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 publication of the second notice is October 23, 2006.

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 the total number of electors to which the Albert Airey Park – Sale of Portion of Park Bylaw alternative approval process applies. Using the total number of electors registered for the 2005 General Local and School Election, this number is 116,821.

Financial Impact

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

Conclusion

As outlined above, Council must establish several key parameters for the Albert Airey Park – Sale of Portion of Park Bylaw alternative approval process. If approval of the electors is obtained, adoption of the bylaw could proceed.

A handwritten signature in black ink, appearing to read "G. Johnson". The signature is fluid and cursive, with the first letter "G" being particularly large and stylized.

Gail Johnson
Manager, Legislative Services
(4006)

GJ:gj



City of Richmond

Notice of Alternative Approval Process Albert Airey Park – Sale of Portion of Park Bylaw

Notice is hereby given under the requirements of the Community Charter that the City Council of the City of Richmond is intending to sell a portion of Albert Airey Park, 11251 Mellis Drive, to the Mennonite Intermediate Care Home Facility (Pinegrove Place) to facilitate expansion of the facility.

General Description of Proposal

The proposed sale of a 287.1 square metre (3089.34 square feet) portion of Albert Airey Park, Lot 174 Section 25 Block 5 North Range 6 West New Westminster District Plan (PID 003-624-510) as shown on the attached diagram, to the Mennonite Intermediate Care Home Facility will enhance the expansion plans of this not-for-profit facility by maximizing the number of beds that may be provided at the site. The proceeds (\$170,000) from the sale will be placed to the credit of a parkland acquisition reserve fund. In addition, the sale will generate upgrades to the existing soccer field, pathway, perimeter drainage system and mature trees; a community public art project; and increased landscaping.

Alternative Approval Process

Council may proceed with the adoption of Bylaw 8084, the Albert Airey Park – Sale of Portion of Park Bylaw, unless at least 10% (11,682) of the electors of the City of Richmond 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 September 14 to October 23, 2006.

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, September 14, 2006 to Monday, October 23, 2006. Elector response forms are also available on the City website at www.richmond.ca or by calling the City Clerk's Office at (604) 276-4007 during regular business hours.

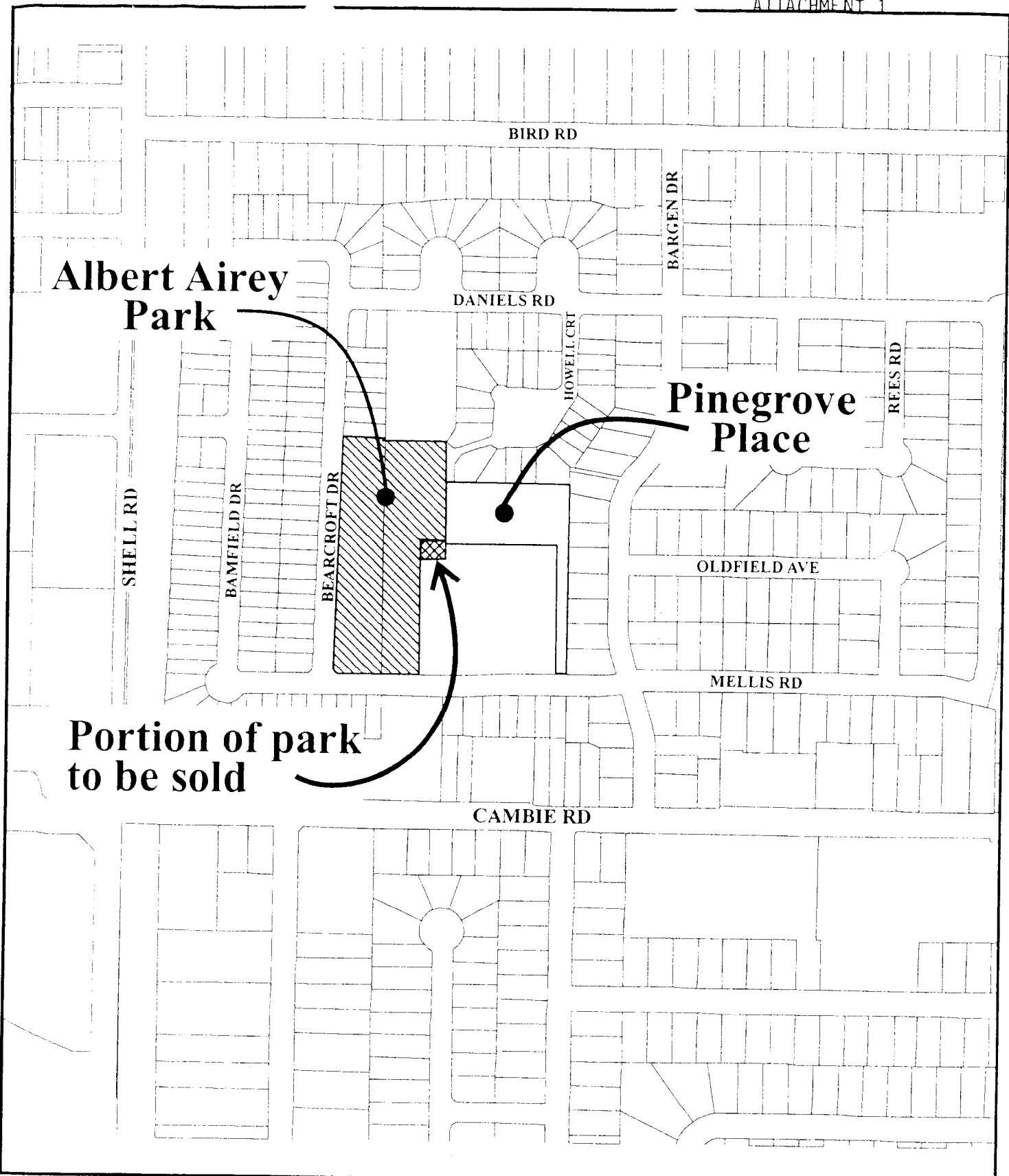
Originally signed elector response forms must be received at City Hall by 5:00 pm, October 23, 2006.

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.

David Weber, Director, City Clerk's Office

137A'



**Albert Airey
Park**

**Pinegrove
Place**

**Portion of park
to be sold**



**Albert Airey Park -
Area Context Plan**

Original Date: 07/04/06

Amended Date:

Note: Dimensions are in METRES



City of Richmond

Alternative Approval Process
Albert Airey Park – Sale of
Portion of Park 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 8084, the Albert Airey Park – Sale of Portion of Park Bylaw.

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 October 23, 2006, 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 October 23, 2006 deadline.