

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 02, 2024**

SUBJECT **Upcoming Alternative Approval Processes and Communication Options**

ISSUE SUMMARY

To provide an update on the future administration of Alternative Approval Processes (AAPs) to seek participating area approval for bylaws as required under provincial legislation.

BACKGROUND

On February 14, 2024 CRD Board passed the following motion:

“That staff be directed to bring to the Governance Committee a report with options for scaling and/or varying the notification process for CRD’s Alternate Approval Processes.”

AAPs are conducted when participating area approval is required for approval of a proposed bylaw to establish a new service or undertake long-term borrowing and any amendments to these bylaws. The participant area for which an AAP applies can vary in scope and size as follows:

- regional service that includes participation by all CRD municipalities and electoral areas;
- sub-regional service that includes several participating municipal or electoral areas; and
- local service area that includes an area smaller than or equal to an entire municipality or electoral area.

With an AAP, the Board may proceed with adopting the bylaw if less than 10% of electors submit a signed elector response form indicating that the Board must obtain the assent of the electors by way of assent voting (referendum). Approvals can be sought individually from each participating municipality and electoral area or for the entire proposed service area. When possible, AAPs for regional and sub-regional services are conducted for the entire service area to establish a cumulative 10% eligible elector number. Otherwise, approval will be based on 10% of each individual participating area. This can lead to approvals being obtained in some participating areas and not others. In the absence of unanimous consent, approval of the bylaw by AAP would fail.

A failed AAP would result in the Board either abandoning the bylaw or needing to conduct assent voting (referendum) to seek participating area approval. Provincial legislation provides for AAPs as an effective tool for obtaining approval in a timely and cost-effective manner. Conducting assent voting (referendum) is a very costly and resource intensive approval process that is ultimately paid by the participants in the service area, thus increasing the overall start-up cost of the service.

Following Inspector of Municipalities’ approval, a staff report is prepared prior to launching an AAP seeking Board approval on the following statutory requirements:

- deadline to receive elector response forms;
- total number of electors and establishing 10% threshold;
- bylaw synopsis for the purpose of the AAP public notice;
- form of public notice; and
- elector response form.
(the “AAP Requirements Report”)

When conducting an AAP, staff administering the process need to be neutral and are not promoting a specific outcome. Communication for an AAP should be focused on two objectives: meeting the statutory requirements for advertising, and ensuring electors have reasonable access to notification that the process is taking place. Statutory advertisements are done in accordance with Bylaw No. 4556, “Capital Regional District Public Notice Bylaw No. 1, 2023” (the “Public Notice Bylaw”) attached at Appendix A. Public notice for regional AAPs are included one time in a print publication with regional distribution (The Times Colonist) and one time on the CRD Public Notice webpage on the CRD website (example at Appendix B). In cases where the Board wishes to scale up communication efforts, the CRD’s Public Notice Policy (Appendix C) provides a framework for additional notice options. Given the increasing frequency with which AAP are being utilized and the evolving habits of electors in media consumption, more focus on public notice methods can be achieved by developing case-specific communication plans for CRD Board approval at the same time the Board establishes the process and deadline for conducting the AAP.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That staff be directed to include a communications plan in the AAP Requirements Report that is approved by the Board prior to the commencement of each AAP process.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:
That this report be referred back to staff for additional information.

IMPLICATIONS

Service Delivery Implications

Print Publication

Prior to the adoption of the Public Notice Bylaw, the default requirements for public notice were once each week for 2 consecutive weeks in a newspaper that is distributed at least weekly in the area affected by the subject matter of the notice. There are only 3 publications in the capital region that are distributed at least weekly, the Times Colonist, the Black Press, and the Gulf Islands Driftwood. The implications of adopting the Public Notice Bylaw was presented in an August 2, 2023 staff report to Governance Committee attached as Appendix D.

The Public Notice Bylaw provides for an alternative means of publishing a public notice in accordance with section 94.2 of the *Community Charter*, and specifically that the notice be published by the following means of publication:

- a) one time in a print newspaper or print periodical distributed in the area affected by the subject matter of the notice, and
- b) one time on the CRD website.

The Public Notice Bylaw effectively provides the CRD with the ability to publish statutory public notice in print publications without weekly distribution, allowing CRD to target smaller service areas in a way it was unable to do before. For example, a bylaw with a service area on Pender Island may now be published in the monthly Pender Post print publication. Previously, the CRD had to publish notice twice in the Gulf Islands Driftwood to meet statutory requirements and pay for an additional notice in the monthly Pender Post publication.

Section 5.5 of the Public Notice Policy clarifies there is no requirement to publish in multiple print publications so long as the minimum Public Notice Bylaw requirements are met. Expanding notification on AAPs beyond the minimum requirement may result in a lengthening of the AAP process from at least 30 days to two months to allow for non-statutory smaller ads to be placed in local monthly publications.

Online Notice

Prior to the adoption of the Public Notice Bylaw there was no central location to find public notices on the CRD website. There are now three locations as shown in Appendix B. To increase awareness of AAPs online, AAPs are also featured on the home page and promoted on social media.

Public Notice Posting Place

In accordance with section 94.2(2) of the *Community Charter*, the notice must be published in the public notice posting places. Public notice posting places is defined as the notice board located in the front foyer of the CRD offices under Bylaw No. 3828, "Capital Regional District Procedures Bylaw". In addition, the Public Notice Policy provides some guidance for staff to consider the option of whether additional notice is to be published on public bulletin boards in the community.

Communication Plan

Communication plans for AAPs will be evaluated on a case-by-case basis, considering the scope and scale of the AAP initiative and, if relevant, the amount to be requisitioned or borrowed. Appendix E proposes a baseline for AAP promotion communication material, augmented as needed with enhanced options to reach more targeted audiences.

In future, communication plans could be outlined in the AAP Requirements Report which establishes the AAP deadline dates and form of statutory notice for to Board for approval before initiating an AAP.

The AAP Communication Plan could include information on the following:

- publication date of the AAP public notice on the CRD website
- publication date of AAP public notice in specified publication(s) and the associated cost
- list of public notice posting places applicable to the participating area and any additional community notice boards where notice is to be posted

- promotion on the CRD homepage
- FAQ on the proposed bylaw
- media releases to announce APP launch and final results
- schedule for pushing notification on social media

CRD currently utilizes a number of these additional communication efforts when administering an AAP but how and when to utilize these additional notification methods is determined by staff, dependent largely on the nature of the bylaw subject to approval. In future, documenting these notification events and associated costs in a communication plan for Board approval prior to an AAP commencing will allow the Board to have input on whether it wishes to follow staff's recommended approach or whether it would like to vary or scale the communications approach for any particular approval process.

Future AAPs

At this current time, the CRD has the following proposed bylaws in motion where AAPs have been approved by the Board or where staff anticipate participating area approval will be sought by AAP:

- 1 regional service ready to go to AAP;
- 2 regional services with the Inspector of Municipalities for approval;
- 2 sub-regional loan authorization bylaws that the Board has directed staff to draft for readings; and
- 1 regional service bylaw and 2 sub-regional loan authorization bylaws, that are still in their early stages of development.

A list of upcoming and future potential APPs is attached as Appendix F.

Financial Implications

The cost of publishing public notices and promoting an AAP is paid by the service area and thereby the participants in the service. Legislative Services staff prepare the bylaw synopsis, AAP public notice, and elector response form for Board approval. Historically, decisions on undertaking additional communication efforts beyond the statutory requirements has been determined by the program area staff responsible for the service budget.

If the Board wished to expand notice of a regional AAP by placing redundant notices in every print publication available in the capital region (Appendix E) the cost is estimated to be \$4,175 compared to \$1,400 cost of publishing in the Times Colonist only. Online advertisements on Salt Spring Island Driftwood and Exchange can cost an additional \$1,000.

If this approach is taken, staff recommend that the full statutory notice of AAP continue to be published in the Times Colonist and that additional advertisements in local print publications, including the Black Press, be smaller in size and direct the reader to view the full statutory notice on the CRD website for more information.

CONCLUSION

The CRD Board directed staff to report back with options for scaling and/or varying the notification process for CRD's alternative approval processes (AAP). AAPs are conducted when participating

area approval is required for a proposed bylaw to establish a new service, undertake long-term borrowing, or amendments to these bylaws. The participant area for which an AAP applies can vary in scope and size based on whether the service is regional, sub-regional, or local. Based on this variability, the recommendation is that an AAP communication plan be presented outlining notification options for Board approval at the same time as when the Board establishes the process and deadline for conducting each AAP in the AAP Requirements Report.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That staff be directed to include a communications plan in the AAP Requirements Report that is approved by the Board prior to the commencement of each AAP process.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Andy Orr, Senior Manager, Corporate Communications
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Public Notice Bylaw
Appendix B: Examples of Public Notices on Website
Appendix C: Public Notice Policy
Appendix D: Previous Staff Report re: Bylaw No. 4556 (August 2, 2023)
Appendix E: AAP Communications Plan Options
Appendix F: Future Planned and Potential AAPs (2024-2025)