

**DATE:** February 17, 2021

**FILE:** 5360-30/ABC

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

*R. Dyson*

**RE: Rural Roadside Collection – Elector Assent Process**

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### **Purpose**

To seek confirmation of the method of participating area approval for the proposed Rural Roadside Collection Service.

### **Recommendation from the Chief Administrative Officer:**

THAT participating area approval be sought by way of an Alternative Approval Process (AAP) with respect to the service establishing bylaw(s) for the proposed Rural Roadside Collection Service;

AND FURTHER THAT the bylaw(s) and other process logistics for the AAP be brought forward pending the results of Phase 2 Rural Roadside Solid Waste Collection Public Engagement Plan.

### **Executive Summary**

- Staff are seeking the Comox Valley Regional District (CVRD) Board’s decision respecting the elector assent method for the proposed Rural Roadside Collection Service in advance of the Phase 2 community engagement so that residents can be widely informed in advance of the assent process being launched.
- Through a formal survey of approximately 3,000 residents, a strong interest was indicated in establishing a new garbage and recycling pickup service with neighbourhood support ranging from 63 per cent to 83 per cent in favour. Based on this feedback, as well as other considerations noted within this report, staff are recommending the use of an Alternative Approval Process (AAP).
- AAPs are a legitimate and democratic process established by the Province to directly engage residents on a community initiative while still allowing for a referendum should the Board choose or if 10 per cent or more of electors register their opposition.

### **Background**

At the February 8, 2021 regular meeting, the Electoral Areas Services Committee received further information on the Phase 2 Rural Roadside Solid Waste Collection Public Engagement Plan. This followed the presentation of the results of the [first phase of project engagement](#) in November 2020, which indicated strong initial community support for establishing a rural roadside garbage and recycling collection service. While the overall project schedule anticipated that the decision on the method of elector assent would follow the Phase 2 consultation, staff are proposing to confirm the method sooner so that it can be communicated to the public during the upcoming engagement.

Establishing new services cannot be undertaken without approval of the service establishing bylaw by the Inspector of Municipalities after third reading. In addition, “participating area approval” is also required, which for electoral areas is usually obtained through approval of the electors. This report provides a brief consideration of the principal methods available, that being an AAP and assent vote (referendum) with a summary being provided in Appendix A.

### Assent Vote (Referendum) Process

An assent vote, also known as a referendum or plebiscite, is a voting process that is governed by provincial legislation and is similar in many ways to the process for conducting a general local election. The ballot for an assent vote must be in the form of a question put to the electors that is phrased in a manner such that it may be answered by marking either “yes” or “no”.

Approval is deemed to have been obtained if a majority of the votes counted are in favour of the question. If a majority of the votes counted are opposed to the question, the bylaw cannot be adopted. Further, the bylaw may not be resubmitted to the electors for approval within a period of six months, except with provincial government approval.

### Alternative Approval Process

The AAP previously known as the “counter petition” is established through the *Community Charter* and *Local Government Act*. In an AAP, instead of casting a ballot at a voting place, eligible electors have at least 30 days to register their opposition to the initiative by completing an Elector Response Form and submitting it to the Corporate Legislative Officer before the deadline. Approval is received if less than 10 per cent of the eligible electors within the proposed service area sign and submit an Elector Response Form by the AAP deadline.

If electors are opposed to the initiative, or they do not want the CVRD to proceed without a referendum being held, the AAP allows a long period of time for the opinion of the electors to be expressed. If 10 per cent or more of electors register their opposition by the deadline, then the Board may not proceed with adoption of the bylaw unless approval of the electors is obtained through the “assent of the electors” process described above.

In accordance with local government best practices, the following considerations of the elector assent method with respect to the proposed Rural Roadside Collection Service are noted:

- **Accessibility and Convenience**  
In the case of a referendum, the electors generally have 12 hours on each of the two advance voting days, and 12 hours on general voting day to cast their vote. Mail ballot voting is also available for those persons that expect to be absent during the voting opportunities or have a disability, illness or injury that affects their ability to vote in person. The AAP provides electors with at least 30 days to communicate their views with submissions being accepted in variety of formats (ie. mail, drop off, email and fax).
- **History**  
An assent vote for roadside garbage and recycling collection was conducted in 2013. Approval was not received as 73 per cent of the votes cast were in opposition with turnout estimated at 29 per cent. This reflects the general experience that obtaining broad public opinion can be a challenge when assent voting initiatives are not combined with general elections. Residents may be more motivated to vote when they are able to cast ballots to elect local representatives and register their support for or opposition to a community initiative.
- **Scale**  
The significance of the initiative in terms of scale, size and cost for residents has bearing on the assent method. Final determination of the proposed service area(s) has not yet been completed, however consideration is being given to recommending a number of localized, community-based service areas instead of one large service area for the entirety of the CVRD Electoral Areas. This would allow the CVRD to tailor the service to those areas

which expressed a strong desire for it. With respect to cost, while general concern was expressed about the affordability of the service, the feedback received from the initial phase of community engagement indicate that roadside pick-up under a consolidated service delivery model would be less expensive than the individual subscription services currently being utilized by most residents.

- Service/Initiative Function

Overall, waste management is mandated by the provincial government and the public expects solid waste to be managed appropriately. While a roadside collection service is not mandatory, a consolidated roadside collection garbage and recycling service directly supports the objectives of the Comox Strathcona Waste Management's Solid Waste Management Plan (SWMP) and strategic priorities. Key among these are increasing diversion rates towards 70 per cent or greater, reduced greenhouse gas emissions by reducing the number of truck passes required to collect the materials and reducing long-term costs at the Comox Valley Waste Management Centre landfill through the preservation of airspace. In addition, the service may also contribute to a reduction in illegal dumping and open burning.

The *Local Government Act* stipulates the elector approval methods for certain regional district services and financing bylaws. In recognition of its importance the collection, removal or disposal of solid waste or recyclable material is named, with only two others, as services which may be approved through an AAP regardless of the maximum requisition level.

- Cost

Costs for an assent vote are considerably higher than for an AAP. As in a general local election, expenditures for conducting a referendum are primarily comprised of: labour costs of workers at the voting stations, advertising costs for public notices, and materials and supplies. Based on the data from the 2018 local general election, it is estimated that the cost of holding an assent vote would likely range from \$30,000 - \$40,000 for one or more service areas across Electoral Areas A, B and C. It is important to note that the considerable time spent by CVRD staff planning and coordinating the process during regular work days is not included in the above estimate. Reduced administration costs may be achieved by waiting until the general local elections or a by-election, however this would require a considerable delay in the project timeline in order to align it with the October 2022 general local election.

The costs of holding an AAP consist primarily of the two required notices being published in a local newspaper and any additional discretionary advertising. These advertising costs are estimated at approximately \$3,000 to \$4,000. Staff resources needed to administer the alternative approval process are minimal in comparison to an assent vote.

- Public Feedback and Expectations

During the first phase of public engagement over 3,000 people participated in a formal survey concerning the proposed roadside garbage and recycling collection service. The summary report, dated November 10, 2020 noted that the majority responded positively to the possibility of having a new garbage and recycling pickup service in their area with neighbourhood support ranging from 63 per cent to 83 per cent in favour. This feedback has also assisted staff with understanding the desired service levels, potential service areas and program exemptions to address those properties with waste generation rates that may exceed the limits of the proposed service.

This feedback, combined with anecdotal information provided by the Electoral Area Directors, indicate there has been a change in public desires and expectations since the

previous assent vote in 2013.

- **Timing**  
 While the accessibility and convenience of an AAP has been noted, the timing of the process in relation to seasonal holidays and other events remains relevant to ensure electors have a reasonable opportunity to sign and submit response forms. The Phase 2 Rural Roadside Solid Waste Collection Public Engagement Plan provides for public consultation through spring of 2021 with the public assent process scheduled from July-November. This potentially puts the assent process within the summer holiday season depending on the specific dates chosen for the response period. Given the broad project timing and flexibility with noted dates, staff can seek to launch the process in the fall when holidays are less prevalent.

Upon the balance of these considerations, staff is recommending that an AAP be used to obtain elector approval. Given the strategic nature of this project and the scope of the initiative, it is noted that the proposed assent process, if approved, would be run in isolation from the Singular Alternative Approval Process initiative which is scheduled to commence in June of this year.

Prepared by:

Concurrence:

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**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

N/A	
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Attachments:

Appendix A – Summary Comparison of Assent Vote and Alternative Approval Process

## Appendix A – Summary Comparison of Assent Vote &amp; Alternative Approval Process

	Assent Vote (Referendum)	Alternative Approval Process (AAP)
Administration	A Chief Election Officer administers the process as a vote as set out in the <i>Local Government Act</i> .	The Corporate Legislative Officer administers a petition process as set out in the <i>Local Government Act</i> .
Costs (to be borne by the service)	Estimated at \$30,000 to \$40,000	Estimated at \$3,000 to \$4,000
Elector Eligibility	Resident electors and non-resident property owners living within the area for which the vote or the AAP is being held in accordance with the <i>Local Government Act</i>	
Method	<ul style="list-style-type: none"> <li>• Special and advance voting days</li> <li>• General voting day at voting stations</li> <li>• Mail-in ballot</li> </ul>	Electors have at least 30 days after the second advertised public notice to sign and submit and elector response form
Notice	Notice must be published in a locally circulated newspaper once a week for two consecutive weeks. Additional advertising requirements	Notice must be published in a locally circulated newspaper once a week for two consecutive weeks.
Timing	Approximately 16 weeks (four months) from the introduction of the bylaw to receipt of the results	Approximately 12 weeks (three months) from the introduction of the bylaw to receipt of the results
Threshold	Majority rules (50 per cent plus one)	10 per cent of voters in the area must submit elector response forms in opposition