

**TO: CITY MANAGER**

**DATE: JULY 23, 1997**

**FROM: CITY SOLICITOR**

**SUBJECT: BILL 46 - LOCAL GOVERNMENT STATUTES  
AMENDMENT ACT (NO. 2) 1997**

**PURPOSE: TO RESPOND TO COUNCIL'S REQUEST FOR FURTHER  
INFORMATION ON BILL 46**

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**RECOMMENDATIONS:**

1. **THAT** this report be received by Council for information purposes.

**R E P O R T**

At its regular meeting of July 7, 1997 Council received an information report on Bill 46 (Item 15, Manager's Report No. 19) and requested a further report on details of the counter petition process and any other items that staff feel may impact upon the City.

The counter petition process is intended to simplify certain processes which now require the assent of the electors or ministerial consent (as listed in the previous report). Only where a successful counter petition is raised would electoral or ministerial consent be required under the new provisions.


The only requirement as to the deadline established by Council for the filing of a counter petition is that the date must be at least 30 days after the required notice of the counter petition process is published for the second time in the newspaper. Bill 46 would require notice of the process to be published in at least two issues of a newspaper and posted at City Hall from the date of the first publication. Presumably, the deadline would have to be established early in the process as it would have to be set out in the published notice.

The major change from the current process would be that where the counter petition process is provided for, the electoral or ministerial consent that is now automatically required would only be necessary if a successful counter petition was raised.

The reference in the previous report to the counter petition process applying to leases with a term of over 30 years was in error. It should have referred to leases of longer than 10 years with an option to purchase where the property is required for a municipal sewage or water system.

It is unlikely, after reviewing the list of municipal actions to which the counter petition process would apply, that the counter petition amendments would have any significant impact on the City of Burnaby.

The other major amendments that would be effected by the enactment of Bill 46 as set out in the previous report, are also unlikely to have any significant impact on the City.

  
Patricia W. Fieger  
City Solicitor

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council/crpt/bill 46