

Type of Decision									
<b>Meeting Date</b>	<b>Friday, September 15, 2017</b>				<b>Report Date</b>	<b>Wednesday, August 23, 2017</b>			
<b>Decision Required</b>	<b>X</b>	<b>Yes</b>		<b>No</b>	<b>Priority</b>	<b>X</b>	<b>High</b>		<b>Low</b>
<b>Direction</b>	<b>x</b>	<b>Information Only</b>			<b>Type of Meeting</b>	<b>X</b>	<b>Open</b>		<b>Closed</b>
<b>REPORT TITLE Protocol for and Effect of Petitions</b>									
<b>Report #15/09/17/1204</b>									

**Subject:**

A report outlining the protocol for and effect of petitions on Municipal matters.

**RECOMMENDATION:**

That Council receive any submitted petition as information.

**WHEREAS** Ontario legislation does not recognize petitions in municipal government;

**AND WHEREAS** the Municipal Procedure By-Law 2015-07 allows for the presentation of petitions through the municipal Clerk;

**AND WHEREAS** past councils have received any petitions presented to them as information;

**THEREFORE BE IT RESOLVED THAT** assuming that the submission of any petition follows proper filing procedure, the Council of the United Townships of Head, Clara & Maria does hereby receive the petition as information.

**BACKGROUND/EXECUTIVE SUMMARY:**

1. From By-Law 2015-07 – Municipal Procedure By-Law
  - 16.0 **PETITIONS**
  - 16.1. Any petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper content or language and shall be signed by at least two (2) ratepayers or residents and filed with the Clerk.
  - 16.2. Every petition shall be delivered to the Clerk not later than five (5) business days preceding the commencement of the next regular meeting of Council to be included on that meeting's agenda.
2. The above note that the petition shall be signed by at least two ratepayers or residents means that anything less than that would not be considered a petition but simply a letter.
3. Over the past 10-12 years 2 or 3 petitions have been submitted to Council. In each case, the petition was received as information, with no direct action taken.
4. Council has been elected to govern the municipality and is legislated to represent the electorate and to consider the well-being and interests of the municipality as a whole; not the interests of any one special interest group.

5. The challenge with most petitions is that there is not an opportunity for background information to be provided. There is often significant bias in the question. Often the preamble is one sided. Often ambiguities result in people signing when they don't truly understand what the petition is asking.
6. Specifically, with respect to the trail use petition which has been at Yate's General Store, staff have had discussions with a number of people who said they signed it; and then once further conversation ensued, admitted that they didn't understand all the details when they signed it. One gentleman explained that he signed that specific petition because he thought multi-use meant multi human powered use – he signed it specifically because he thought it was against motorized use.
7. Petitions are powerful if utilized properly with full accountability and transparency.
8. The provincial government allows petitions to be submitted to it for consideration. Their rules are detailed below and ensure that any petition is signed by members of the electorate, not the general public. (Similarly, any petition submitted to a local Council shall be limited to the signatures of local electors, not the general public.)
  - a. *"Each petition is to include a succinct and complete request of the legislative body printed at the top of each page with the name and qualifying address of each signatory listed beside their original signature."*
9. Only electors may sign a petition in order for it to be valid. Otherwise, any group could affect local politics and decisions. The clerk could have a petition signed by members of her family and have over 150 signatures. Why should council consider such a petition?
10. In consulting the county lower tier municipalities, it has been determined that most have a section in their procedure by-law quite similar to ours. None have a policy or procedure to deal with petitions; they are normally acted upon based on the political will of the council as they legally hold no weight in Ontario municipalities.

**Options/Discussion:**

**Financial Considerations/Budget Impact: - none**

**Policy Impact:**

**Others Consulted:**

County Lower Tier Municipalities, Ontario legislature, various municipalities and other provinces.

<b>Approved and Recommended by the Clerk</b>	
Melinda Reith, Municipal Clerk	<i>Melinda Reith</i>

Sections of the Municipal Act

**224** It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

(d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;  
(e) to maintain the financial integrity of the municipality; and  
(f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.

#### **Section Amendments with date in force (d/m/y)**

#### **Role of head of council**

**225** It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act. 2001, c. 25, s. 225; 2006, c. 32, Sched. A, s. 100.

#### **From the Ontario Legislature Website**

“A petition is a request that the Legislative Assembly of Ontario take some specific action (or refrain from taking some action) to redress a public grievance.

The action requested must be within the scope of jurisdiction of the Legislative Assembly, and the request must be clear, temperate, proper and respectful.

The request must appear at the top of every page of signatures submitted with the petition.

#### **Signatures**

Petitioners must be residents of the Province of Ontario; it is acceptable for petitioners to be under the age of majority.

A petition must contain original signatures only, written directly on the face of the petition.

Each person petitioning the Legislative Assembly must print his or her name and address and sign his or her name under the text of the petition.

#### **Form and Content**

A petition must be addressed to the Legislative Assembly of Ontario.

Petitions addressed to the Government of Ontario, or to a particular minister will not be accepted.

Petitions must be written, typewritten or printed. Email, faxed or photocopied petitions are not admissible and will not be presented.”



# Petitions

A petition is a request that the Parliament of Ontario take some specific action (or refrain from taking some action) to redress a public grievance. This three step guide will assist individuals and organizations in ensuring that a petition meets all the requirements for presentation to the Legislative Assembly.

- [Preparing a Petition](#)
- [Presentation of a Petition](#)
- [The Government's Response to a Petition](#)

## Preparing a Petition

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- [Petitions Sample](#)

- 3/15/21  
X
- Each page of the petition shall contain the same statement of purpose and a statement which indicates that each petitioner, by signing the petition, attests that he or she is a voter of the municipality and has not previously signed the petition.
  - In addition to his or her signature, each petitioner will include his or printed surname and given names or initials.
  - Each petitioner must include his or her civic or legal description of land on which his or her status as a voter is based.
  - The petition must indicate the date on which the petitioner signed the petition.
  - The signature of each petitioner must be witnessed by an adult person who will sign opposite the petitioner's signature.
  - The petition must be accompanied by a signed statement of a person stating that the person is the representative of the petitioners, the date on which the first signature was collected and that the municipality may direct any inquiries about the petition to the representative. No signature collected before the date indicated on the representatives' statement for the first signature, shall be included in the petition.
  - The petition must be filed with the administrator/clerk within 90 days after obtain the first petitioner's signature.

In the event any of the above requirements are overlooked, the municipality may reject the petition for technical failure.

A sample petition, along with the representative's statement, may be viewed here.

The municipal administrator / city clerk is solely responsible for determining the sufficiency or validity of a petition for a referendum within 30 days after the date on which it was filed. Names may not be added to or removed from the petition after it has been filed with the administrator / clerk. In determining the sufficiency of the petition, the administrator / clerk is required to exclude the names of any petitioners which fail to meet the technical requirements. The administrator / clerk may use random statistical sampling to validate the petition.

Council is required to take certain steps in a timely fashion to submit the proposed bylaw or resolution to the voters if the administrator / clerk reports the petition for the referendum is sufficient.

- In the case of a rural municipality, the vote will be held prior to the end of the year if the petition is filed on or before July 1st. If the petition is filed after July 1st, council shall submit the matter to the voters at the annual election held the following year.

Petition	is a formal request to the Minister or Council signed by a number of electors.
Petitioner	is an elector as defined in section 1 of the <i>MGA</i> and section 1 of the <i>LAEA</i> who signs a petition.
RSA	Revised Statutes of Alberta.
“The Act” or “Act”	refers to the <i>Municipal Government Act (MGA)</i> .
Witness	means an adult person who claims that he or she was personally present and saw the signatory sign his or her name.

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### 3. What Is a Petition

A petition, within the context of this document and the *MGA*, is a formal request to those in authority for an action to be taken.

### 4. Who May Petition

Only the electors of a municipality are eligible to be petitioners for most purposes. See section 222 of the *MGA*.

The only exception to the above is where the owners of property can petition in regard to local improvements. See sections 392, 393, and 408 of the *MGA*.

### 5. Who Can Be Petitioned

Electors can petition the locally elected council or the Minister, depending on what action the petitioners want and who has the authority to act on the matter.

### 6. What Can Be Petitioned

Section 232(1) of the *MGA* states that electors may petition the locally elected council for a new bylaw or to amend or repeal an existing bylaw or resolution on any matter within the jurisdiction of the council under the *MGA* or any other enactment, subject to some limitations.

Locally elected councils may also be petitioned to hold a public meeting (s. 229), for a public vote on an advertised bylaw or resolution (s. 231), or for local improvements (s. 393).

The *MGA* provides for petitions to the Minister on five specific matters. The Minister can be petitioned to form a Municipality (s. 85), to change the status of a Municipality (s. 93), to undertake a viability review (s. 130), to appoint an auditor (s. 282) or for an inquiry into the affairs of a municipality (s. 572).

Please see Appendix A for a complete list of *MGA* sections pertinent to petitions.

## Petitions

Petitions are a way to express public opinion to Strathcona County Council. They are written requests that are organized and signed by **electors** within Strathcona County; once validated they can be used to request Council take action on a particular issue.

**The content supplied on this page is intended to provide general information regarding petitions and is not a replacement for consulting the legislation or obtaining legal advice.**

### What is an elector?

An elector is a person who is qualified to vote in a municipal election in accordance with the [Local Authorities Election Act, R.S.A. 2000, c.L-21](#) (<http://www.qp.alberta.ca/documents/Acts/L21.pdf>), where they are:

- at least 18 years of age,
- a Canadian citizen,
- an Alberta resident for 6 consecutive months prior to the date the petition was signed, and
- a resident of Strathcona County when signing the petition.

### How do I communicate my views to County Council?

There are three types of petitions used in Strathcona County:

1. Public vote on a bylaw
2. Local improvement petition

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