



Re: Question on the 2018 Municipal Election Ballot

Whereas the report of Dr. Meyboom 20 years ago created six wards with 17 Councillors and one Mayor;

And Whereas there have now been 20 years of experience of an 18 member Council;

And Whereas there have been 20 years of demographic and technological changes;

And Whereas the citizens of Chatham-Kent have never been polled on their opinion on the size and composition of Council;

And Whereas Section 8 and 8.1 of the Municipal Election Act, 1996 provides that Council may authorize that a question be put to its electors during a municipal election, subject to certain conditions and limits.

Therefore it is moved that:

- 1. The attached by-law be approved; and**
- 2. The proposed question on the 2018 municipal ballot be:**

“Effective the term of Council beginning December 2022, the number of Councillors in Chatham-Kent be reduced.”

Signed: Councillor Doug Sulman

Notice Given On: January 29, 2018

BY-LAW NUMBER -2018
OF THE CORPORATION OF THE MUNICIPALITY
OF CHATHAM-KENT

A By-law to submit a question to the electors at the next regular municipal election.

FINALLY PASSED the day of _____

WHEREAS Section 8 (1) of the *Municipal Elections Act, 1996, SO 1996, c 32* provides that the Council of a Municipality may pass a by-law to submit to its electors a proposed by-law requiring their assent, or a question not otherwise authorized by law but within the Council's jurisdiction;

AND WHEREAS the Council of the Municipality of Chatham-Kent considers it desirable to pass such a by-law;

NOW THEREFORE THE CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT BY THE COUNCIL HEREBY ENACTS AS FOLLOWS:

1. There shall be submitted to the electors at the regular municipal election to be held on October 22, 2018, the following question attached here to as Schedule 'A' and forming part of this by-law;

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this day of , 2018

Mayor – Randy R. Hope

Clerk - Judy Smith

SCHEDULE 'A'

Effective the next term of Council, December 2022, the number of Councillors in Chatham-Kent shall be reduced.

Municipality Of Chatham-Kent

Community Development

Municipal Governance

Information Report

To: Mayor and Members of Council
From: Judy Smith, Director Municipal Governance/Clerk
Date: February 2, 2017
Subject: Question on the 2018 Municipal Election Ballot

This report is for the information of Council.

Background

On January 29, 2018 Councillor Sulman presented the following motion:

1. The Clerk give at least 10 days notice to the public and the Minister of the intention to pass a by-law to submit to its electors a proposed question requiring their assent; and
2. The Clerk hold one public meeting to consider the matter on Monday, February 12, 2018 at 4 pm; and
3. The attached by-law be presented for approval at the February 12, 2018 Council Meeting; and
4. The proposed question on the 2018 municipal ballot be: "Effective the term of Council beginning December 2022, the number of Councillors in Chatham-Kent be reduced."

Comments

Section 8(1) (b) of the *Municipal Election Act, 1996* (the Act) states, "The Council of a municipality may pass a by-law to submit to its electors, a question not otherwise authorized by law but within the council's jurisdiction." According to the Act, the last day to pass this by-law for the 2018 municipal election is Thursday, March 1, 2018. The by-law cannot be amended after this date. However, the by-law can be revoked on or before nomination day (July 27, 2018).

The Act also states that a question authorized by by-law shall comply with the following rules:

- It shall concern a matter within the jurisdiction of the municipality.
- It shall be clear, concise and neutral.
- It shall be capable of being answered in the affirmative or the negative and the only permitted answers to the question are “yes” or “no”.

Notice

As per the direction of Council on January 29, 2018, the Clerk has provided at least 10-day notice of intention to pass a by-law to submit a question to the electors on February 12, 2018. The notice was provided by media release on Thursday, February 1, posted on the homepage of the municipal website according to the Chatham-Kent Notice By-law and posted within the “Let’s Talk Chatham-Kent” on-line engagement site. In addition, the same notice was provided the Minister of Municipal Affairs and Housing as outlined in the Act.

Should a by-law pass, the clerk shall give notice of the passage of the by-law to the public and the Minister, within 15 days.

Appeal of the Question to go on the ballot

Within 20 days after the clerk gives notice of the passage of a by-law, the Minister or any other person or entity may appeal to the Chief Electoral Officer of the Province of Ontario on the grounds the question does not comply with the rules of being clear, concise and neutral or being answered in the affirmative or the negative and the only permitted answers to the question are “yes” or “no” by filing with the clerk a notice of appeal setting out the objections and the reasons in support of the objections.

The clerk shall, within 15 days after the last day for filing a notice of appeal, forward any notices of appeal received to the Chief Electoral Officer. The clerk shall provide any other information or material to the Chief Electoral Officer that the Chief Electoral Officer requires in connection with the appeal. The Chief Electoral Officer shall, within 60 days of receiving notices, hold a hearing and dismiss the appeal or allow the appeal.

If the Chief Electoral Officer allows the appeal in whole or in part, the Chief Electoral Officer may make an order amending the by-law or directing the municipality to amend the by-law in the manner ordered.

Results and Implementation of the Question

The results of a question authorized by a by-law are binding on the municipality which passed the by-law if,

- at least 50 per cent of the eligible electors in the municipality vote on the question; and
- more than 50 per cent of the votes on the question are in favour of those results; and
- if the results of the question require the passage of a by-law which requires notice to be given and at least one public meeting to be held to consider the matter before the by-law is passed, the binding effect of the question is subject to

these procedural requirements and the discretion of the municipality to proceed following the public meeting is not constrained. If, after the public meeting, the municipality decides not to implement the results of the question, **it is not required to do so.**

If at least 50 per cent of the eligible electors in the municipality vote on the question and more than 50 per cent of the votes on the question are opposed of those results, the municipality shall not do anything within its jurisdiction to implement the matter, which was the subject of the question for a period of four years following voting day.

Other municipalities

The Clerk contacted the Ministry of Municipal Affairs asking for a list of municipalities that have had a similar question on ballots of previous elections. Appendix A is a list of the municipality and the question that was placed on their ballot.

Consultation

The Manager of Legal Services was consulted.

An Advisor at the Ontario Ministry of Municipal Affairs and Housing was contacted with regard to other municipalities that have had a similar question on ballots of previous elections.

The Manager of Programming and Community Services was contacted to ensure the February 12 Council meeting would be televised beginning at 4 p.m.

Financial Implications

The Regional Manager of Dominion Voting confirmed there would be no additional cost for adding a question on the ballot. Such a ballot may change layout, which could increase ballot paper size, or printing costs however, this is unlikely, based on their experience.

Prepared by:

Reviewed by:

Judy Smith, CMO
Director Municipal Governance/Clerk

John Norton
General Manager, Community
Development

Consulted and confirmed the content of the consultation section of the report by:

Dave Taylor
Manager, Legal Services
Attachments: Appendix A – Other Municipalities with similar questions on the ballot

RTC:Community Development/2018/Municipal Governance/Feb 12 - Question on the
2018 Municipal Election Ballot

Appendix A – Other Municipalities with similar questions on the ballot

Municipality	Question
Kearney	Are you in favour of reducing the size of Council from the current Mayor and six (6) Councillors to Mayor and four (4) Councillors for the Council Term commencing 2018.
South Bruce	Are you in favour of the Municipality of South Bruce passing a by-law so that all councillors, including the Mayor, are elected by general vote instead of the current system of voting?
Ajax	Are you in favour of the Council of the Town of Ajax passing a resolution requesting that the Council of the Region of Durham take the necessary steps to reduce the size of Regional Council by distributing the seats based upon the population of each municipality?
Whitby	Are you in favour of the Council of the Town of Whitby passing a resolution requesting that the Council of the Region of Durham take the necessary steps to reduce the size of Regional Council by distributing the seats based upon the population of each municipality?
Aurora	Are you in favour of electing all Aurora councillors, other than the Mayor, by ward vote instead of general Town-wide vote?
Mississippi Mills	Given that Town Council is currently composed of 11 members, do you support a change in the composition of Council beginning in the year 2018 to 7 members, with a mayor and a deputy mayor elected at large, 1 ward councillor for Pakenham, 2 ward councillors for Ramsay and 2 ward councillors for Almonte?
Pickering	Are you in favour of the Council of the City of Pickering passing a resolution requesting that the Council of the Region of Durham take the necessary steps to reduce the size of Regional Council by distributing the seats based upon the population of each municipality?
Kitchener / Waterloo	Do you support the members of Kitchener and Waterloo councils engaging in discussions about the advantages and disadvantages of merging the cities of Kitchener and Waterloo?