

Special meeting of the Town of St. Paul Council in the St. Paul Town Council Chambers on Tuesday September 30th, 2014 at 18:45 Hours.

MEMBERS PRESENT:

Mayor Glenn Andersen, Ken Kwiatkowski, Edna Gervais, Dwight Wiebe, Don Padlesky, Norm Noel, Judy Bogdan, Ron Boisvert CAO and recording secretary Cindy Litwinski.

- 1) Moved by Edna Gervais
That, the Agenda be adopted with the following amendment: Remove: "September 22nd, 2014" from "Review minutes of the meeting on Agenda".

"CARRIED"

Petition Declaration

- Ron received legal advice regarding the petition and declaration.
- Ron read his Declaration to Council:

DECLARATION ON SUFFICIENCY OF PETITION RE:

REQUEST TO HAVE ALL TRAFFIC ENFORCEMENT DONE BY EITHER THE RCMP OR COMMUNITY PEACE OFFICERS, THUS ELIMINATING THE USE OF PHOTO ENFORCEMENT

Municipal Government Act, R.S.A. 2000 c. M-26

I, RONALD O. BOISVERT, Chief Administrative Officer of the Town of St. Paul, am authorized under the provisions of the *Municipal Government Act* to determine all matters pertaining to petitions received by the Town of St. Paul.

Under the provisions of the *Municipal Government Act*, I am responsible for determining and declaring whether or not any petition received by the Town is sufficient or not sufficient in accordance with legislative criteria.

On September 8, 2014, Amil Brian Shapka, Representative for the Petitioners, filed with the Town a "Petition by Electors" regarding the use of photo enforcement within the Town (hereinafter, the "Petition").

The Petitioners who signed the Petition ask Council for:

"A new bylaw to have all traffic enforcement done by either the RCMP or the Community Peace Officers, thus eliminating the use of photo enforcement."

The Petition has now been reviewed by my Office as required by the provisions of the *Municipal Government Act* and my findings regarding sufficiency are stated below.

DECLARATION

I declare to the Town of St. Paul Council that the Petition is **insufficient**.

REASONS

In order for a petition to be sufficient it must meet all of the statutory requirements in the *Municipal Government Act* and set out, with reasonable clarity, the action sought by Council.

A. Number of Electors Signing the Petition

The Petition was reviewed with respect to the technical requirements for a sufficient petition as provided in Sections 222 to 225 of the *Municipal Government Act*.

The *Act* requires that a sufficient petition bear the signatures of enough electors to equal at least 10 percent of the population. According to the 2013 Alberta Municipal Affairs Population List, the population of the Town is 5,844. Therefore, the signatures of 584 electors were the minimum number required for a sufficient petition. Each signature must also be properly witnessed and otherwise meet all statutory requirements of the *Municipal Government Act* to be included as valid.

My Office conducted an entry by entry review of the Petition and excluded from our count those entries which did not meet the statutory requirements.

A breakdown of the number of names that were excluded from the count of valid signatures attached to the Petition, and the reason for the exclusion, is stated in the table below:

Original number of signatories to the Petition	745
• Number of signatures excluded because the signature was not witnessed	1
• Number of signatures excluded because they appear on a page of the Petition that does not have the same purpose statement that is contained on all other pages of the Petition	
• Number of signatures excluded because the printed name is not included or is incorrect	3
• Number of signatures excluded because the signature was not included	1
• Number of signatures excluded because the address or legal description was not included, was incomplete or was incorrect	62 (County/No St. or Ave. listed/Business Address)
• Number of signatures excluded because the affidavit was incomplete	
• Number of signatures excluded because they were signed outside the 60 days preceding the date on which the Petition was filed	
• Number of signatures excluded because the date when the person signed the Petition is not stated	1
• Number of signatures excluded because they are duplicate entries	2
Net number of valid signatories after statutory exclusions	675

It is my conclusion that this petition has exceeded the 10% requirement of 584 by 91 signatures making it a total of 675 valid petitioners, however due to the following reasons this petition is insufficient.

B. Action Sought by Council

Section 232(1) of the *Municipal Government Act* provides that petitioners may petition for a new bylaw or a bylaw to amend or repeal a bylaw or resolution. It follows that the petition must be framed in terms capable of being incorporated into a bylaw for Council's consideration.

In my opinion, the Petition is subject to at least four distinct interpretations:

1. That the Petitioners are requesting a new bylaw which specifically states that only the RCMP and Community Peace Officers may conduct traffic enforcement within the Municipality;
2. That the Petitioners are requesting a new bylaw which specifically states that that no private corporations, such as Global Traffic Group Ltd., may be hired to provide traffic enforcement services;
3. That the Petitioners are requesting a new bylaw which specifically excludes the use of photo radar enforcement to detect traffic violations (regardless of who provides this service); or
4. That the Petitioners are requesting a new bylaw which excludes both the hiring of private corporations and the use of photo radar enforcement for the detection of traffic violations.

The fact that the purpose of the Petition is not sufficiently clear to allow the Town's administration to draft a bylaw dealing with the subject-matter of the petition is, in my opinion, fatal to the validity of the Petition. Further, multiple questions cannot be submitted in one petition.

As the Petition does not set out the action sought by Council with reasonable clarity, it is not a sufficient petition under the provisions of Section 232 of the *Municipal Government Act*.

C. Limitations and Other Concerns

Although the purpose statement of the Petition states that the petitioners are requesting that Council pass a new bylaw, it is also important to look beyond a petition's express 'purpose statement' to determine compliance or non-compliance with the *Municipal Government Act*. In other words, the petition's "effect" and any "indirect" purpose must also be considered.

As noted above, one interpretation of the Petition is that it is requesting Council to pass a new bylaw which directs that no private corporations may be hired by the Town to provide traffic enforcement services. I have reviewed Town Council's records and found that such a bylaw would require Council to amend or repeal a resolution of Council passed on May 12, 2014, wherein Town Council instructed Administration to enter into an agreement with Global Traffic Group to supply traffic enforcement services.

Section 233(2) of the *Municipal Government Act* requires petitioners to bring a petition to amend or repeal a previous Council resolution within 60 days of the date the resolution was passed. If the petition is not brought within that time frame, the petition is not sufficient.

If the new bylaw sought by the Petition passed, the May 12, 2014 resolution would, in effect, be repealed or amended; therefore, the Petition should have been filed no later than 60 days following that date. By my calculation, the deadline for filing such a petition was July 11, 2014. In substance, the petitioners are requesting a bylaw to amend or repeal the May 12, 2014 resolution; the Petition is insufficient because it was filed outside of the 60 day limitation period.

Finally, another possible interpretation of the Petition's intent is a request that traffic enforcement only be conducted by the RCMP and Community Peace Officers. To the extent that this is the true intent of the Petition, I note that the purpose statement of the Petition does not accomplish this goal as the Town's Agreement with Global Traffic Group Ltd. provides that employees of Global will be appointed as Community Peace Officers for the Town.

CONCLUSION

As a result of my review, I find that the Petition does not meet the petition requirements of the *Municipal Government Act*; the Petition is incapable of being turned into a bylaw and/or is, in effect, a petition for a bylaw to amend or repeal the May 12, 2014 resolution, which is out of time. For these reasons I declare the petition insufficient.

Signed at the Town of St. Paul, in the Province of Alberta, on the 30th, day of September, 2014.

RONALD O. BOISVERT, Chief Administrative Officer

- Signed Declaration is attached to Council minutes.
- Petition information will be stored in the vault.
- The public can review the petition in the Town of St. Paul Office.

Wellness Centre Tenders for North Side

- We received the tenders for the Wellness Centre on the North Side.
- There will be some changes to the prices due to changes on the ceiling construction. We should have the revised numbers next week.
- Council would like to wait for the final numbers before awarding the contract.

- 6) Moved by Ken Kwiatkowski
That, we move into camera to discuss a personnel issue at 19:05 Hours.

“CARRIED”

- 7) Moved by Judy Bogdan
That, we move out of camera at 20:05 Hours.

“CARRIED”

- Councilor Bogdan is not able to attend the Hub meeting on October 2nd, 2014.
- Mayor Andersen will review the organizational Chart at the October 14th, 2014 Council meeting.

- 10) Moved by Don Padlesky
That, we Adjourn at 20:07 Hours.

“CARRIED”

Glenn Andersen **Mayor**

Cindy Litwinski **Recording
Secretary**