

## **Report to Council on Sufficiency of Petition Submitted Regarding Local Improvement July 9, 2018**

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Bill Minnes, County Commissioner-CAO**

### **Declaration:**

The petition submitted on June 1, 2018 is deemed insufficient as it does not meet all of the requirements of sections 222 to 226 of the Municipal Government Act (MGA), specifically section 224(1), which states, "A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition."

### **Background:**

- In March of 2018, in conjunction with Engineering Services, information was provided to a resident regarding submitting a petition in relation to streetlighting to Council. The resident was provided a copy of the document "Petition to Your Council – Information for the General Public, Elected Officials and Municipal Officers" as well as the website address for Municipal Affairs. The resident is one of the affiants and also one of the petitioners.
- On June 1, 2018, a petition was submitted by the Representative of Petitioners. It is understood from the email attaching the petition that it is in regard to a local improvement in the form of streetlighting. However, the petition itself has no reference to what the petition's purpose and objectives are.
- The Representative of Petitioners was advised on June 6, 2018, that the petition had been received on June 1, 2018 and further advised that a report would be made to Council regarding the sufficiency of the petition, within 45 days, as per the *Municipal Government Act*.
- In speaking with a Municipal Affairs Advisor, it is understood that once a petition is submitted, it must be accepted as provided and must go through the process of determining sufficiency.
- The requirement for a petition are found in sections 221 to 226 of the MGA. In addition to these requirements, specific petitioning rules for Local Improvement Tax are found in section 392.
- As per section 226 of the MGA, Report on sufficiency of petition:

226(1) Within 45 days after the date on which the petition is filed, the chief administrative officer must make a declaration to council or the Minister on whether the petition is sufficient.

(2) Repealed.

(3) If a petition is not sufficient, the council or the Minister is not required to take any notice of it.

## **Petition**

### Summary of the Petition Document:

- The petition document consists of 14 pages:
  - 10 pages of “Petition of Electors” which contain signatures of petitioners;
  - 3 pages of Affidavits; and
  - 1 page “Statement of Representative of Petitioners”
- Each page of the petition contains the following statement at the top:

“The personal information in this petition will not be disclosed to anyone except for the chief administrative officer and the chief administrative officer’s delegates, and will not be used for any purpose other than validating the petition”
- There is no information contained on the signature pages to indicate the purpose and objective of the petition. Attached to this report is page 1 of the petition. The remaining 9 pages of the petition are identical.
- In total, there are 49 signatures to the petition, obtained between the dates of April 15, 2018 and May 14, 2018. While each of the signatures is witnessed, the “Signature of Adult Witness” appears to be “signed” as initials and do not match the signatures of the witnesses on the affidavits.
- Each of the three affidavits attached to the petition have an irregularity in that the words “Sturgeon County” have been handwritten on each of them but are not initialled by the persons making the affidavits nor the Commissioner for Oaths to confirm the change.

## **Conclusion of Insufficiency**

As noted above, the petition does not contain a statement indicating the purpose and objective of the petition. Therefore, the petition is insufficient, and as per section 226(3) of the MGA, Council is not required to take any notice of it.

# Page 1 of Petition

The personal information contained in this petition will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, and will not be used for any purpose other than validating the petition.

APPENDIX D

Page 1

## PETITION BY ELECTORS

(pursuant to the *Municipal Government Act* and amendment's thereto)

To: The Council of the (type of municipality) of (name of municipality), in the Province of Alberta.

The undersigned persons, being electors of the (type of municipality) of (name of municipality), in the Province of Alberta, hereby petition the council of (name of municipality) for/to:

(2) *Accurately state purpose and objectives of Petition in this space.*

EACH PETITIONER, by signing this petition, certifies that he (or she) is an elector of the (type of municipality) of (name of municipality).

Signature of Petitioner	Printed Name	(3) Street Address or Legal Land Description	Phone Number	Email Address	(4) I am an elector of this municipality	Date	(5) Signature of Adult Witness

### NOTES:

1. This form is a suggested form only and is prepared by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought when a petition is being considered.
2. Each page of the petition shall contain accurate and identical statements of the purpose and objectives and on personal information privacy.
3. In the absence of a street address, specify the legal description of the property on which the petitioner resides.
4. Each petitioner shall indicate that they are an eligible elector of the municipality by checking this field. A Canadian citizen, over 18 years of age, and a resident of the municipality. (See Sections 12, 47 and 48 of the *Local Authorities Election Act (LAEA)* for further information.)
5. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality. See Appendix E.

Severed in line with Section 17 of the FOIP Act

## Appendix "A"

### Sections 221 to 226 and 392 of the *Municipal Government Act*

#### **Petition sufficiency requirements**

221 A petition is sufficient if it meets the requirements of sections 222 to 226 or, where those requirements are modified by bylaw under section 226.1, if it meets the requirements as modified.

#### **Who can petition**

222 Unless otherwise provided in this or any other enactment, only electors of a municipality are eligible to be petitioners.

#### **Number of petitioners**

223(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,

(a) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 10% of the population, and

(b) in the case of a summer village, by a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village.

#### **Other requirements for a petition**

224(1) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.

(2) The petition must include, for each petitioner,

(a) the printed surname and printed given names or initials of the petitioner,

(b) the petitioner's signature,

(c) the street address of the petitioner or the legal description of the land on which the petitioner lives,

(c.1) the petitioner's telephone number or e-mail address, if any, and (d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must

(a) sign opposite the signature of the petitioner, and

(b) take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(3.1) The petition must have attached to it the affidavits referred to in subsection (3).

(4) The petition must have attached to it a signed statement of a person stating that

(a) the person is the representative of the petitioners, and

(b) the municipality may direct any inquiries about the petition to the representative.

### **Counting petitioners**

225(1) A petition must be filed with the chief administrative officer and the chief administrative officer is responsible for determining if the petition is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the chief administrative officer.

(3) In counting the number of petitioners on a petition there must be excluded the name of a person

(a) whose signature is not witnessed,

(a.1) whose signature is witnessed but for which no affidavit is attached to the petition,

(b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition,

(c) whose printed name is not included or is incorrect,

(d) whose street address or legal description of land is not included or is incorrect,

(e) if the date when the person signed the petition is not stated,

(f) when a petition is restricted to certain persons,

(i) who is not one of those persons, or

(ii) whose qualification as one of those persons is not, or is incorrectly, described or set out, or

(g) who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer, unless a bylaw under section 226.1(1)(e) provides otherwise.

(4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

## **Report on sufficiency of petition**

226(1) Within 45 days after the date on which a petition is filed, the chief administrative officer must make a declaration to the council or the Minister on whether the petition is sufficient or insufficient.

(2) Repealed 1995 c24 s26.

(3) If a petition is not sufficient, the council or the Minister is not required to take any notice of it.

## **Local Improvement Tax**

### **Petitioning rules**

392(1) Sections 222 to 226 apply to petitions under this Division, except as they are modified by this section.

(2) A petition is not a sufficient petition unless

(a) it is signed by 2/3 of the owners who would be liable to pay the local improvement, and

(b) the owners who sign the petition represent at least 1/2 of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed.

(3) If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of subsection (2).

(4) If a municipality, school division or health region under the Regional Health Authorities Act is entitled to sign a petition under this Division, it may give notice to the council prior to or at the time the petition is presented to the council that its name and the assessment prepared for its land under Part 9 are not to be counted in determining the sufficiency of a petition under subsection (2), and the council must comply with the notice.

(5) If a corporation, church, organization, estate or other entity is entitled to sign a petition under this Division, the petition may be signed on its behalf by a person who

(a) is at least 18 years old, and

(b) produces on request a certificate authorizing the person to sign the petition.