



# CITY OF HAMILTON

## CITY MANAGER'S OFFICE Legal Services

<b>TO:</b>	Chair and Members Audit, Finance and Administration Committee
<b>COMMITTEE DATE:</b>	October 24, 2016
<b>SUBJECT/REPORT NO:</b>	Legal Implications of a Municipal Referendum (LS16025)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lisa Pasternak (905) 546-2424 Ext. 7292
<b>SUBMITTED BY:</b>	Janice Atwood-Petkovski City Solicitor City Manager's Office
<b>SIGNATURE:</b>	

### Council Direction:

The City Solicitor was directed to provide the Audit, Finance and Administration Committee with a report on the legal implications of a municipal referendum, specifically considering the legal way in which and/or the extent (if any) to which a municipality would be bound to implement the result of a referendum. (Item (i), Audit, Finance and Administration Committee Report 16-014)

### Information:

Council may pass a bylaw to hold a referendum. This process is governed by the *Municipal Elections Act* which describes it as submitting a question to a municipality's voters:

- A question must be clear, concise and neutral. It also must be capable of being answered in the affirmative or the negative with the only permitted answers being "yes" or "no".
- Council is bound to act on the result of a question only if:
  1. at least 50% of eligible Hamilton voters vote on the question; and
  2. more than 50% of these voters vote either yes or no - meaning the winning side has to have more than 50% of all of the votes on the question.

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

The percentage of eligible Hamilton voters who voted in each municipal election since amalgamation is as follows:

2000	42%
2003	38%
2006	37%
2010	40%
2014	34%

These are typical voter turn-outs, in line with other municipalities across Ontario. It is highly unlikely that 50% of eligible Hamilton voters would vote on a question on the ballot and therefore highly unlikely that the result would be binding on Council under the *Municipal Elections Act*.

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