

Item No. 5



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
February 5, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

Julia Horncastle

SUBMITTED BY:

Julia Horncastle, Acting Municipal Clerk

DATE: **January 25, 2008**

SUBJECT: **Acceptable Forms of Petition Staff Report - Correction**

INFORMATION REPORT

ORIGIN

Correction to information provided in staff report "Acceptable Forms of Petition" which was submitted to Regional Council on January 15, 2008.

BACKGROUND

On December 11, 2007 Councillor Fougere submitted an electronic petition in opposition to the Chebucto Road Widening project to be undertaken by HRM. As this was the first internet petition to be received by Council, staff were directed to provide a report as to the appropriateness of accepting electronic petitions. The requested report was provided to Council on January 15, 2008, agenda item number 11.1.3.

DISCUSSION

The requested report incorrectly stated that the online petition submitted by Councillor Fougere contained each person's name, email address, comments and address/district. Although the petition form allowed for this information to be included, each category was not completed by all of the petitioners.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS

1. Staff report dated January 2, 2008 "Acceptable Forms of Petition".

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Julia Horncastle, Acting Municipal Clerk



PO Box 1749
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Item No. 11.1.3

Halifax Regional Council
January 15, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: *Julia Horncastle*

Julia Horncastle, Acting Municipal Clerk

DATE: January 2, 2008

SUBJECT: Acceptable Forms of Petition

ORIGIN

At the November 13, 2007 Council meeting, Councillor Sloane filed an online petition with the Clerk subject to confirmation that internet petitions are acceptable.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Accept both electronic and written petitions which include the signature of the originator of the petition and the name, address, date of signing, and either a telephone number or email address for all persons listed on the petition.
2. Direct Legal Services to prepare the appropriate amendments to Administrative Order One.

BACKGROUND

Councillor Sloane submitted an online petition to have cats removed from By-Law A-300 respecting Animals. The petition was generated by iPetitions.com. It contains only names and comments on the by-law, and does not include signatures, dates, or addresses of the petitioners.

Councillor Fougere also submitted a petition to have a one year moratorium placed on the Chebucto Road widening project. Part of her petition was online and part was hand written. The online portion contained each person's name, email address, comments, and address/district. The hand written portion contained the individual's signature, address, telephone number and/or email address.

DISCUSSION

Administrative Order 1 sets out the requirements for acceptable forms of petition as follows:

Petitions and Communications

27. (1) *Every communication, including a petition designed to be presented to Council, shall:*
- a) be legibly written or printed;*
 - b) not contain any impertinent or improper matter or language;*
 - c) be signed by at least one person;*
 - d) state the reasons for the communication and the remedy sought; and*
 - e) be filed with the Clerk as set out in subsection (2).*

Written petitions received by Council to date normally have included a person's printed name, signature, and either an address, phone number and date of signing. It may also include an email address. The inclusion of this information and the signature is to ensure that the individuals listed have actually signed the petition.

Online petitions have been accepted by the courts as valid petitions. Where they have been accepted, the petitions have provided an email address or telephone number along with the petitioner's name and address so that there is a means to validate the inclusion of the individual in the petition in the absence of a written petition.

Given the need to protect the integrity of the petition process, the Clerk's office is only accepting petitions which allow the Clerk to substantiate the inclusion of the named petitioners. Therefore, electronic petitions that only include a person's name are not acceptable.

The Benchmarking cities commonly used by HRM for comparative purposes were contacted and the following table outlines the current practice in each of those cities:

City	Policy/Practice re Acceptable Form of Petition
Brampton	Has not received an electronic petition but clearly require identifying information from each petitioner which can be verified
London	Has not received an electronic petition but would use the same criteria as for hard copy which requires signatures.
Laval	They do not accept electronic - fax or mail only with signatures
Surrey	Does not accept electronic petitions pertaining to issues such as Local Improvement Charges. They require petitions to supply identifying information. Community generated petitions which do not involve charge backs do not require any other petitioner information beyond the name.
Hamilton	Requires signatures and verification of petitioners information. They currently only accept hard copy petitions with signatures
Vancouver	They have not yet received an electronic petition and would not accept one at this point as petitions must be signed.
Winnipeg	Does not accept electronic petitions due to inability to verify petition information.

An amendment to the Administrative Order One is required to clarify the acceptable form for a petition and other written communications.

In recognition of the need to balance the objectives of open government and privacy, HRM will continue with its current practice of not posting petitions that have been received by Council to the web. The petitions, regardless of the medium, though will continue to be accessible through the Clerk's Office. All personal information, other than name and address, will be severed from the petition before a copy is provided.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council could direct staff to maintain the existing practice and make no changes to Administrative Order One. This is not recommended since the existing language in the Administrative Order does not reflect the current practice and requires clarification.

Council could decide not to allow electronic petitions. This is not recommended since the inclusion of electronic petitions makes it easier for the public to communicate their interests to Council and supports the concept of e-democracy.

ATTACHMENTS

1. Section 27 of Administrative Order One

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Angela Jones-Rieksts, Solicitor, Legal Services, 490-7075

Report Approved by:



Catherine Sanderson, Sr. Manager, Financial Services 490-1562

ATTACHMENT 1

Petitions and Communications

27. (1) Every communication, including a petition designed to be presented to Council, shall:
- a) be legibly written or printed;
 - b) not contain any impertinent or improper matter or language;
 - c) be signed by at least one person;
 - d) state the reasons for the communication and the remedy sought; and
 - e) be filed with the Clerk as set out in subsection (2).

(2) The Clerk shall list on the agenda every petition or communication which has been delivered to the Clerk not later than 12:00 o'clock noon on the Thursday immediately preceding each regular meeting of the Council.

(3) The Clerk shall arrange that the communication be placed before Council unless, upon examination, the Clerk is of the opinion that it contains matter that is impertinent, improper or libellous in which case the person presenting the communication shall be advised that the document is not deemed in suitable form for presentation to Council; provided that the decision of the Clerk in the matter may be appealed to the Council.

(4) When a member presents a petition to the Council, the member shall acquaint the Council with its contents and ask leave for it to be read; if Council by a vote of two-thirds of the members present agrees, then the petition can be added to the Order of Business.

28. (1) A petition or other written communication to Council on a subject already before a committee may be referred by the presiding officer to the committee without any motion unless otherwise ordered.

(2) No member shall speak upon nor debate a written communication if it has been referred but a member may move that in referring the matter Council give certain instructions.

(3) Notwithstanding subsections (1) and (2) above, when Council considers that the communication requires an immediate reply, the matter contained therein may be discussed and disposed of forthwith.