



TOWN OF AURORA
ADDITIONAL ITEMS
FOR GENERAL COMMITTEE MEETING

Tuesday, March 3, 2015
7 p.m.
Council Chambers

- **Delegation (a) Emily Stewart, representing residents on Cousins Drive**
Re: Item 3 – Report No. IES15-012 – Speeding Concerns on Cousins Drive and Multi-Way Stop Control Request at the Wells Street and Cousins Drive Intersection

- **Replacement pages for Item 6 (agenda pages 41 to 49)**
Re: Report No. LLS15-011 – Questions on the Ballot – 2014 Municipal Election Results



Delegation (a)

Legal and Legislative Services
905-727-3123
councilsecretariatstaff@aurora.ca

Town of Aurora
100 John West Way, Box 1000
Aurora, ON L4G 6J1

DELEGATION REQUEST

This Delegation Request form and any written submissions or background information for consideration by either Council or Committees of Council must be submitted to the Clerk's office by the following deadline:

4:30 P.M. ON THE BUSINESS DAY PRIOR TO THE REQUESTED MEETING DATE

COUNCIL/COMMITTEE/ADVISORY COMMITTEE DATE: March 3, 2015

SUBJECT: Item 3 – Speeding Concerns on Cousins Drive and Multi-Way Stop Control Request at the Wells Street and Cousins Drive Intersection

NAME OF SPOKESPERSON: Emily Stewart

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable):

Residents on Cousins Drive

BRIEF SUMMARY OF ISSUE OR PURPOSE OF DELEGATION:

We would like a 3 way stop sign installed at the corner of Cousins Drive and Wells Street for the safety of the people in the community.

PLEASE COMPLETE THE FOLLOWING:

Have you been in contact with a Town staff or Council member regarding your matter of interest?

YES **NO**

IF YES, WITH WHOM? Mayor Dawe

DATE: Fall 2014





**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. LLS15-011

SUBJECT: *Questions on the Ballot – 2014 Municipal Election Results*
FROM: *Warren Mar, Director of Legal & Legislative Services/Town Solicitor*
DATE: *March 3, 2015*

RECOMMENDATIONS

THAT Report No. LLS15-011 be received; and

THAT Council provide direction with respect to the 2014 Municipal Election Questions on the Ballot.

PURPOSE OF THE REPORT

To provide Council with information on the results of voting on the Questions on the Ballot from the 2014 Municipal Election, and to seek Council direction on the next steps (if any) that Council wishes to take in response to the results.

BACKGROUND

In accordance with the provisions of clause 8(1)(b) of the *Municipal Elections Act, 1996*, S.O. 1996, c.32, Sched. 1, as amended (the “Elections Act”), Council passed By-law Number 5612-14 on April 22, 2014, to submit two (2) questions to the electors of the Town of Aurora at the 2014 Municipal Election. The two (2) approved questions were as follows:

1. *“Are you in favour of electing all Aurora councillors, other than the Mayor, by ward vote instead of general Town-wide vote?”*
2. *“Are you in favour of reducing the number of Aurora councillors, other than the Mayor, from eight (8) councillors to six (6) councillors?”*

Both questions appeared on the ballots for the 2014 Municipal Election held on October 27, 2014. In accordance with the provisions of clause 55(4)(b) of the Elections Act, the Town Clerk declared the results of the Voting on the Questions on the Ballot on October 30, 2014 (Attachment 1). The certified results of the voting on the Questions on the Ballot are as follows:

QUESTION #1		
<i>Are you in favour of electing all Aurora councillors, other than the Mayor, by ward vote instead of general Town-wide vote?</i>		
YES	5,512	45.25%
NO	6,670	54.75%
Total	12,182	100%

QUESTION #2		
<i>Are you in favour of reducing the number of Aurora councillors, other than the Mayor, from eight (8) councillors to six (6) councillors?</i>		
YES	8,060	64.55%
NO	4,427	35.45%
Total	12,487	100%

The Town Clerk has also certified that that the total number of eligible electors in the October 27, 2014 Municipal election was **37,123**.

COMMENTS

Section 8.2 of the Municipal Elections Act

Under subsection 8.2(1) of the Elections Act, the results of a question authorized by a by-law are binding on the municipality if at least 50% of eligible electors in the municipality vote on the question.

The implication of subsection 8.2(1) is that the results of a question authorized by a by-law are not binding on a municipality if less than 50% of eligible electors in the municipality vote on the question. As such, if voter turnout is less than 50% of the eligible electors, then the results of the referendum are not binding on the municipality, and Council would be free to proceed on the matter as it chooses.

Section 8.3 of the Municipal Elections Act

Under clause 8.3(1)(a) of the Elections Act, if the results of a question authorized by a

by-law are binding on the municipality in the affirmative, then the municipality shall do everything in its power to implement the results of the question in a timely manner (this means, pursuant to subsection 8.3(2), placing the necessary action before Council between 14 and 180 days after voting day).

Finally, under clause 8.3(1)(b) of the Elections Act, if the results of a question authorized by a by-law are binding on the municipality in the negative, 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 (4) years following voting day.

Analysis of Question #1 (Introduce Wards) Voting Results

Of the voters who voted on Question #1, the majority voted “No” to electing Councillors, other than the Mayor, by ward vote instead of general Town-wide vote. The Total number of voters who voted “No” was 6,670 or 54.75%. The total number of voters who voted “Yes” was 5,512 voters or 45.25%.

The total number of voters who voted on Question #1 was 12,182 voters out of 37,123 eligible voters. This means that only 32.82% of eligible voters voted on the question and the results are therefore not binding on Council in view of the provisions of section 8.2 of the Elections Act. As such Council has the discretion to:

1. Implement a ward system to elect Councillors, other than the Mayor; or
2. Not implement a Ward system to elect Councillors.

If Council chooses to exercise its discretion to implement a ward system (Option #1), it is recommended that staff be directed to report back on a process to develop and implement a ward system for the Town in time for the 2018 Municipal Election. If Council wishes to proceed with Option #1, it is also recommended that the following resolutions be introduced:

THAT Council endorse the electing all Aurora councillors, other than the Mayor, by ward vote instead of general Town-wide vote; and

THAT staff be directed to report back to Council on a process to be followed in dividing the Town into wards.

If Council wishes not to proceed with introducing a ward system for electing Councillors in Aurora (Option #2), then it does not need to take any further action with regards to Question #1.

Analysis of Question #2 (Reduce the Size of Council) Voting Results

Of the voters who voted on Question #2 the majority voted “Yes” to reducing the number of Aurora councillors, other than the Mayor, from eight (8) councillors to six (6) councillors. The total number of voters who voted “Yes” was 8,060 or 64.55%. The total

number of voters who voted "No" was 4,427 voters or 35.45%.

The total number of voters who voted on Question #2 was 12,487 voters out of 37,123 eligible voters. This means that only 33.64% of eligible voters voted on the question and the results are not binding on Council in accordance with the provisions of section 8.2 of the Elections Act. As such, in response to the voting results, Council may:

1. Reduce the size of Council by eliminating two (2) Councillor positions; or
2. Maintain the current size of Council as is.

If Council chooses Option #1 to reduce the size of Council, it is recommended that the following resolutions be introduced:

THAT the composition of the Council of The Corporation of the Town of Aurora be changed from nine (9) members to seven (7) members, comprised of one (1) Mayor, who shall be the Head of Council, and six (6) Councillors; and

THAT the change in the composition of Council come into force following the next regular municipal election in accordance with the provisions of subsection 217(3) of the Municipal Act, 2001; and

THAT the necessary by-law be brought forward at the March 31, 2015 meeting of Council for enactment to change the composition of Council for The Corporation of the Town of Aurora from nine (9) members to seven (7) members, comprised of one (1) Mayor, who shall be the Head of Council, and six (6) Councillors.

Based on the provisions of section 217 of the *Municipal Act, 2001*, to change the composition of Council in time for the next regular municipal election in 2018, the current Council need merely pass the necessary by-law on or before December 31, 2017. Council is authorized to pass any such by-law under the provisions of subsection 217(1) of the *Municipal Act, 2001*. The only limitations on this authority are:

- "1. There shall be a minimum of five members, one of whom shall be the head of council.*
- 2. The members of council shall be elected in accordance with the Municipal Elections Act, 1996.*
- 3. The head of council shall be elected by general vote.*
- 4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.*

5. *The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.*

Under subsection 217(3) of the *Municipal Act, 2001*, a by-law passed under subsection 217(1) comes into force:

- “(a) after the first regular election following the passing of the by-law; or
(b) if the by-law is passed in the year of a regular election before voting day, after the second regular election following the passing of the by-law.”*

If Council wishes not to proceed with reducing the size of Council in Aurora (Option #2), then it does not need to take any further action with regards to Question #2.

LINK TO STRATEGIC PLAN

Proceeding with a by-law to put two questions on the ballot for the 2014 municipal election achieved the objective of ***strengthening the fabric of our community*** by identifying new formats, methods and technologies to effectively and regularly engage the community.

ALTERNATIVES TO THE RECOMMENDATIONS

1. Council may receive this report for information only and take no further action on the Questions on the Ballot at the 2014 Municipal Election.
2. Council may receive this report and direct staff to report back on a process to implement a ward system to elect members of Council AND reduce the size of Council from eight (8) Councillors to six (6) Councillors for the 2018 Municipal Election, in which case the following resolutions can be adopted:

THAT report LLS15-011 be received; and

THAT Council endorse the electing all Aurora councillors, other than the Mayor, by ward vote instead of general Town-wide vote; and

THAT staff be directed to report back to Council on a process to be followed in dividing the Town into wards; and

THAT the composition of the Council of The Corporation of the Town of Aurora be changed from nine (9) members to seven (7) members, comprised of one (1) Mayor, who shall be the Head of Council, and six (6)

Councillors; and

THAT the change in the composition of Council come into force following the next regular municipal election in accordance with the provisions of subsection 217(3) of the Municipal Act, 2001; and

THAT the necessary by-law be brought forward at the March 31, 2015 meeting of Council for enactment to change the composition of Council for The Corporation of the Town of Aurora from nine (9) members to seven (7) members, comprised of one (1) Mayor, who shall be the Head of Council, and six (6) Councillors.

3. Council may receive this report and direct staff to report back on a process to only implement a ward system to elect members of Council for the 2018 Municipal Election, in which case the following resolutions can be adopted:

THAT report LLS15-011 be received; and

THAT Council endorse the electing all Aurora councillors, other than the Mayor, by ward vote instead of general Town-wide vote; and

THAT staff be directed to report back to Council on a process to be followed in dividing the Town into wards.

4. Council may receive this report and reduce the size of Council from eight (8) Councillors to six (6) Councillors, in which case the following resolutions can be adopted:

THAT report LLS15-011 be received; and

THAT the composition of the Council of The Corporation of the Town of Aurora be changed from nine (9) members to seven (7) members, comprised of one (1) Mayor, who shall be the Head of Council, and six (6) Councillors; and

THAT the change in the composition of Council come into force following the next regular municipal election in accordance with the provisions of subsection 217(3) of the Municipal Act, 2001; and

THAT the necessary by-law be brought forward at the March 31, 2015 meeting of Council for enactment to change the composition of Council for The Corporation of the Town of Aurora from nine (9) members to seven (7) members, comprised of one (1) Mayor, who shall be the Head of

Council, and six (6) Councillors.

As the Questions on the Ballot for the 2014 Municipal Election did not contemplate moving from part-time Councillors to full-time Councillors, this matter was not explored in this report. Should Council desire to make this change, it is recommended that staff be directed to provide a further report examining the process, physical space requirements, staffing options, and overall costs of implementing such a change.

FINANCIAL IMPLICATIONS

The cost of creating and implementing a ward system is estimated to be between \$50,000 and \$60,000 in one-time funding. These funds would be used to retain an expert/land planning economist to facilitate the ward boundary review process. Additional costs associated with creating a ward system may also be required for the purpose of defending any ward boundary by-law passed by Council before the Ontario Municipal Board. Additional communication costs will also be required for the 2018 municipal election. The effective implementation of a new ward system requires dedicated communication resources as part of the overall election communication strategy. If Council implements a ward system for the Town of Aurora, staff will review the election budget to determine if additional funding is required. If staff are unable to accommodate these increased expenses in the current election budget forecast, staff would be recommending an increase to the overall election budget in 2017.

If Council chooses to reduce the size of Council from eight (8) Councillors to six (6), the Town would realize savings from the salaries and benefits currently paid to Members of Council. Based on the 2015 salary and benefits paid to Councillors, the annual savings to the Town are estimated to be at least \$71,600, calculated as follows:

Councillor's Annual Salary	\$ 28,800 x 2 = \$ 57,600
Councillor's Annual Benefits	\$ 1,850 x 2 = \$ 3,700
Councillor's Annual Expenses	\$ 5,150 x 2 = <u>\$ 10,300</u>
	\$ 71,600/year

Additional minimal savings would be realized from reduced expenditure on ancillary items such as cell phones and business cards.

CONCLUSIONS

The results of the voting on the two (2) Questions on the Ballot at the 2014 Municipal Election are not binding on the Town. Council can therefore take no further action in respect to the Questions on the Ballot, or can exercise its discretion to implement a ward system to elect councillors and/or reduce the size of Council.

ATTACHMENTS

Attachment 1 – Certified Election Results, Questions on the Ballot

PREVIOUS REPORTS

1. Report No. LLS14-13 – Determination of Two Questions on the Ballot, dated March 24, 2014
2. Report No. LLS14-10 – Two Questions on the Ballot, dated March 4, 2014
3. Report No. CLS13-030 – Question on the Ballot, dated November 5, 2013.

PRE-SUBMISSION REVIEW

Executive Leadership Team – January 22, 2015

Prepared by: Stephen M.A. Huycke, Town Clerk, ext. 4771



Warren Mar
Director of Legal & Legislative
Services/Town Solicitor



Neil Garbe
Chief Administrative Officer

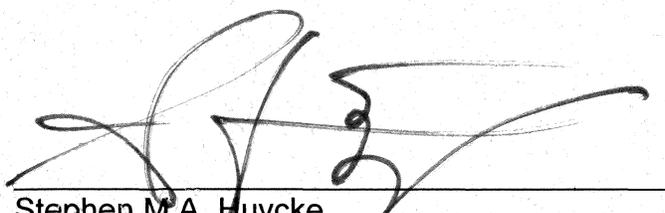
CERTIFIED ELECTION RESULTS
Questions on the Ballot
Municipal Elections Act, 1996, [s.55(4)(b)]

I, Stephen M.A. Huycke, Town Clerk and Returning Officer of The Corporation of the Town of Aurora do certify the number of votes cast as set out below with respect to the Questions on the Ballot in the Municipal Election held on Monday, October 27, 2014.

QUESTION #1		
<i>Are you in favour of electing all Aurora councillors, other than the Mayor, by ward vote instead of general Town-wide vote?</i>		
YES	5,512	45.25%
NO	6,670	54.75%
Total	12,182	100%

QUESTION #2		
<i>Are you in favour of reducing the number of Aurora councillors, other than the Mayor, from eight (8) councillors to six (6) councillors?</i>		
YES	8,060	64.55%
NO	4,427	35.45%
Total	12,487	100%

Dated this 30th day of October, 2014.



 Stephen M.A. Huycke
 Town Clerk and Returning Officer