

04/09/2021

Reference No.OCC-2021-008

To: City Council

From: Aileen Giesbrecht. City Clerk and Returning Officer

Subject: **Bill 52 - Referral back to Admin from Council**

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At Council on Tuesday, direction was given to seek clarification from Municipal Affairs regarding Bill 52. Administration was able to gather the further information related to advocacy, tying the municipal threshold to population rather than electors like the MLA recall and regulatory development timeframe:

The difference in thresholds for provincial and municipal recall is due to the fact that municipalities are not required to have a voters' list (Council has passed a motion regarding creating a permanent voters' list and a report will be coming back in Q1/Q2 of 2022)

Recall at the provincial level involves meeting the threshold (40% of electors) and then a recall vote will be held on whether the recall should proceed before a by-election can be held; whereas at the municipal level, once the petition is deemed sufficient, the elected official is immediately recalled and a by-election may be held.

Should Council prefer to have the same requirement as the provincial recall, it means they are asking for the more complex recall process for MLAs which includes an additional step to vote on whether recall should proceed or not.

It is understood that AUMA supports the current process at the local level, but is in fact calling for a higher threshold of 60% of population for smaller municipalities with a population less than 500 or 1,000.

The thresholds are intentionally high (but not impossible) to eliminate frivolous petitions.

The province will not be developing regulations right away but will be adopting a wait and see approach and will rely on existing regulatory authorities; if any gaps in legislation come up, the Minister may address the issue via Ministerial Order (e.g. to set a different standard for a very small municipality where the current threshold does not make sense or to alter a date set in legislation)