



Request for Decision

No. 2016 - 22

Agenda Item: Petition for Vote on Advertised Borrowing Bylaw 1558-16 - New County Public Works Shop Facility

Issue

The County received a Petition to vote on Borrowing Bylaw 1558-16 - New County Public Works Shop Facility

Recommendation

That the County of Stettler No. 6 receive the petition presented to Tim Fox Chief, Administrative Officer, by Brad Mappin on March 7, 2016 asking for a vote on Borrowing Bylaw 1558-16 - New County Public Works Shop Facility and accept the declaration of Tim Fox, Chief Administrative Office, of the Petition, presented by Brad Mappin asking for a vote on Borrowing Bylaw 1558-16 - New County Public Works Shop Facility, as being sufficient.

General

Please find attached the declaration of Tim Fox CAO on the petition presented to Tim Fox CAO by Brad Mappin on March 7, 2016 asking for a vote on Borrowing Bylaw 1558-16 - New County Public Works Shop Facility stating that the petition is sufficient.

Options that will need to be considered

1. Decide not to proceed with the proposed bylaw, or
2. Decide to proceed with the proposed bylaw or resolution and submit the bylaw to a vote of the electors within 90 days after the Chief Administrative Officer declares the petition to be sufficient.
3. Provide direction by way of resolution and/or bylaw to build and finance the New County Public Works Shop Facility (Short Term Borrowing and/or funds through taxes and/or grants).

The petition is sufficient in accordance with the Municipal Government Act section 223.2(a)

Policy/Legislation

Petition for vote on advertised bylaws and resolutions

231(1) Except for a bylaw under section 22 or a bylaw or resolution under Part 17, after a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.

(2) A separate petition must be filed with respect to each advertised bylaw or resolution even if a council advertises 2 or more bylaws or resolutions in a single advertisement.

(3) A petition under this section for a vote of the electors on a proposed bylaw required to be advertised by Part 8 is not sufficient unless it is filed with the chief administrative officer within 15 days after the last date on which the proposed bylaw or resolution is advertised.

(4) A petition under this section for a vote of the electors on a proposed bylaw or resolution required to be advertised by another Part of this Act or another enactment is not sufficient unless it is filed with the chief administrative officer within 60 days after the last date on which the proposed bylaw is advertised.

(5) If a sufficient petition is received under this section, the council must either

- (a) decide not to proceed with the proposed bylaw or resolution, or

(b) decide to proceed with the proposed bylaw or resolution and submit the bylaw or resolution to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

- (6) If a vote of the electors approves the proposed bylaw or resolution, the council must proceed to pass it.
- (7) If a vote of the electors does not approve the proposed bylaw, the council must not give the bylaw any further readings and any previous readings are rescinded.
- (8) If a vote of the electors does not approve the proposed resolution, the motion for the resolution is rescinded.
- (9) If a sufficient petition is not received, the council may pass the proposed bylaw or resolution.

Capital property - short-term borrowing

257(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing is 5 years or less.

- (2) The expenditure for the capital property must be included in a budget.
- (3) Repealed 1998 c24 s13.
- (4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

Capital property - long-term borrowing

258(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing exceeds 5 years.

- (2) This section does not apply to a borrowing referred to in section 263.
- (3) The expenditure for the capital property must be included in a budget.
- (4) The term of the borrowing must not exceed the probable lifetime of the capital property.
- (5) If (a) a borrowing bylaw that authorizes the borrowing has been passed,
 - (b) the money to be borrowed is insufficient because the cost of the capital property has increased, and
 - (c) the increased cost does not exceed 15% of the original cost of the capital property,

the borrowing bylaw that authorizes the borrowing of the increased cost does not have to be advertised.

Capital property - interim financing

259(1) This section applies to a borrowing made for the purpose of temporarily financing a capital property for which a borrowing bylaw has been passed under section 258.

- (2) The term of the borrowing must not exceed 5 years.
- (3) The amount borrowed must not exceed the
 - (a) amount of the expenditures in the budget for that and previous calendar years to acquire, construct or improve the capital property, minus
 - (b) any money received for the capital property from any other source, including previous borrowings under this Part.
- (4) A borrowing bylaw that authorizes the borrowing referred to in subsection (1) does not have to be advertised.

Report on sufficiency of petition

226(1) Within 30 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.

Implementation/Communication

March 9, 2016

Target Decision Date

March 9, 2016

Prepared By

Tim Fox, Chief Administrative Officer