

## Staff Report

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**Report To:** Operations Committee

**Report From:** Kristen M. Van Alphen, City Clerk

**Meeting Date:** September 29, 2016

**Report Code:** CL-16-026

**Subject:** Election 2018 – Fluoridation – Question on the ballot

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### Recommendations:

That in consideration of Staff Report CL-16-026 respecting adding a question relating to fluoridation of the municipal water supply to the 2018 election ballot, the Operations Committee receives the report for information purposes.

### Strategic Initiative:

Strengthening our community through sound leadership.

### Background:

The Operations Committee has received a letter from Mr. Oliver Hartan requesting that the committee introduce or support a bylaw to submit the defluoridation question to electors on the 2018 municipal election ballot.

This report provides procedural information for the committee in relation to their consideration of this matter.

### Analysis:

The City of Owen Sound introduced fluoride to the municipal water supply by by-law in 1965. In 1997 a public referendum was held asking ratepayers if they were in favour of the discontinuance of the fluoridation of the public water supply. The question did not receive the affirmative vote of the majority with 59.94% voting 'no'. Again, in 2014, the question was placed

on the municipal elections ballot and did not receive the affirmative vote of the majority with 55.59% voting 'no'. If the question had received the affirmative vote of the majority after either referendum, City Council would have been required to pass a by-law to discontinue fluoridation of the system.

Due to the fact that the last referendum did not result in a change to the fluoridation of the City's water supply, only a referendum can lead to fluoride being removed from the system. This is mandated by the *Fluoridation Act* s. 3(2) which states in part that:

...where the question does not receive the affirmative vote of a majority of the electors who vote on the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it.

Confirmation that the City is required to address fluoridation of the water supply through a referendum was received from the Ministry of Health in preparation for the 2014 election.

### **Question on the ballot**

A question respecting fluoridation can be placed on the ballot through 2 methods:

1. By by-law passed by Council; or
2. By a petition of registered electors that meets certain criteria.

### **Council by-law**

The *Municipal Elections Act* enables Council to pass a by-law to submit a question to the electors on the election ballot. A by-law was passed by Council to place the question on the ballot for the 2014 election.

Before passing a by-law directing the submission of a question to the electors, Council must hold a public meeting to consider the matter and 10 days' notice of the public meeting is required.

A by-law must be passed by Council on or before March 1, 2018. Following the passing of a by-law respecting the inclusion of a question on the ballot, notice must again be given within 15 days and must include the wording of the question.

## **Petition**

The *Fluoridation Act* provides a mechanism for the defluoridation question to be placed on the ballot by the electors of a municipality. Where the Clerk is presented with a petition signed by at least 10% of the electors of the municipality, Council is required to submit the question to the electors before or at the next municipal election.

A petition must be received on or before May 1, 2018 and be certified as sufficient by the Clerk.

Currently 10% of the electors in the municipality is roughly 1,650 people. In order to certify the petition, each signature will need to be determined to represent a qualified elector without any duplicates. This will be a large undertaking and additional staff time will be required to complete this task. Information from the Municipal Property Assessment Corporation ("MPAC"), the organization responsible for providing the preliminary list of electors for each municipal election, and the City's records will be used to complete the certification process.

## **The Question**

Under the *Municipal Elections Act*, Council may pass a by-law to submit to its electors a question, the wording of which is established by an Act.

The *Fluoridation Act* identifies the question to be asked on a vote as to discontinuance of a fluoridated system as:

Are you in favour of the discontinuance of the fluoridation of the public water supply of this municipality?

This is the wording of the question from the referendums in 1997 and 2014 and will again be the wording of the question should a referendum be held in the upcoming municipal election.

## **How the vote is determined**

In order for a by-law to be passed to discontinue fluoridation of the system, the question requires the affirmative vote of a majority of the electors who vote on it. Therefore, there is no minimum number of votes that need to be cast on the question for it to be considered – the only requirement is that more than 50% of the votes cast on the question are in favour of the discontinuance of fluoridation.

If more than 50% of the vote is in the affirmative, Council will be required to pass a by-law to remove fluoride from the municipal water system.

### **Recommendations to Council**

As the committee is formulating its recommendations to Council the following should be taken into account:

1. If the Committee does not want to recommend the question be placed on the ballot by by-law it can refrain from making any recommendation to Council, recommend to Council that no further action be taken on this matter or request further information from staff.
2. If the committee wishes to recommend to Council that the question be placed on the ballot, the recommendation should include direction to staff to undertake the following:
  - a. Provide notice of intent to pass the by-law in accordance with the *Municipal Elections Act* – staff will require direction on what methods of notice are to be used (in 2014 notice was given via a newspaper ad and the City's website);
  - b. Schedule a public meeting to receive comment on the intended by-law; and
  - c. Bring forward a by-law to add the question to the ballot for Council's consideration.

### **Financial/Budget Implications:**

There will be costs associated with public notice if the question is addressed by by-law and those will be dependent on the methods of notice that Council chooses to provide. There will be costs for additional staff time to certify a petition.

### **Communication Strategy:**

Following a recommendation to Council the decision of Council will be recorded in the City Council minutes and published on the City's website. Staff recommends that this report accompany the minutes of the Operations Committee when they are provided to Council for adoption. The report will then also form part of the City Council agenda and be posted on the City's website. Additionally, the decision of Council will form part of Council highlights, which are posted on the City's website.

**Consultation:**

N/A

**Attachments:**

N/A

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