

17 March 2014

REPORT TO: Mayor and Council

FROM: Glenn Treftlin, Town Clerk

SUBJECT: Deadlines for Questions on the Ballot in 2014 Municipal Election

The Municipal Elections Act, 1996 provides that a municipality may include on the ballot in a municipal election, one or more by-laws or questions to be voted on by the electors either in the affirmative or negative on matters within the jurisdiction of the municipality and that are not prescribed to be of provincial interest.

There are specific notice requirements and appeal procedures to be observed which determine the following dates to be considered for the submission of questions in the election process in 2014:

Thursday, April 17th, 2014 – absolute last day for notice of intent to pass a by-law to submit questions to electors (at least one public meeting required to be held prior to passage). Council's last regular meeting date available for the requisite public meeting prior to passage is April 14th, 2014. Public notice of intent to pass a by-law must be made at least 10 days prior to passing the by-law.

Wednesday, April 30, 2014 – Last day to pass or amend a by-law to submit questions to electors. The last date for a regular meeting of Council at which to consider such a by-law is April 28th, 2014.

/GWT

Council's approval of this report is not required. This is provided for Council's information only.
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31 March 2014

REPORT TO: Mayor & Council

FROM: Glenn Treftlin, Clerk

SUBJECT: Placing a question on the ballot in the 2014 municipal election re gaming site

I have been directed to prepare this report for consideration by Council as Council is considering including a question on the ballot in the 2014 Municipal Election on October 27th, 2014. The question on the ballot would be to get input from the electors on whether or not Council should put forward Fort Frances for consideration by the Ontario Lottery and Gaming Corporation (OLG) as a site for a new gaming facility (casino) to be located within Fort Frances' boundaries.

Please note that this is at Council's discretion and Council is not obligated to place such a question on the ballot in the municipal election.

Until O. Reg. 275/12 amended O. Reg. 425/00, the matter of gaming sites was considered to be a matter of provincial interest and submitting a question on the matter to the electors on the ballot in a municipal election was not available to a municipal council. O. Reg. 425/00 as amended by O. Reg. 275/12 now specifically provides to municipal councils the option to include such a question on the ballot in order to gain input from the electors on locating a gaming facility in their municipality.

If Council decides by resolution to proceed to have the question on the ballot, the question would have to be stated in the form it would appear on the ballot and could be in the form that follows:

"Are you in favour of Council for the Corporation of the Town of Fort Frances advising the Ontario Lottery and Gaming Corporation that Fort Frances may be considered by them as a site for the location of a new gaming facility (casino), the location of which within the boundaries of Fort Frances is to be determined?" Yes or No.

I would then prepare a notice with legislated content of Council's intention to pass a by-law to submit the question to the electors. The notice is to be publicly advertised and be provided to the Minister of Municipal Affairs and Housing a minimum of 10 days before the by-law is passed and at least one public meeting on the matter (could be the regular meeting of Council on April 14th) is required to be held before it is passed (passing could be at the regular meeting of Council April 28th). The last date for passing or amending a by-law to submit the question to the electors in 2014 is April 30th. A by-law could take the form of the sample attached.

My previous report, dated March 17, 2014, re: "Final Date for passing or amending a by-law for placing a question on the ballot in the 2014 municipal election" presented as

March 31, 2014

information to Council at the March 24th, 2014 Committee of the Whole meeting is attached for your reference.

There is no detrimental impact on voter turnout anticipated by inclusion of this question on the ballot. Conversely voter turnout may be increased.

Costs of inclusion – public notice, public meeting, communication to the public. These additional costs are considered to be minimal.

Costs if decision is binding are considered to be negligible.

Notice of passage of a by-law must be given to the Minister and public within 15 days of passing the by-law.

Following notice to the Minister and public, there is an appeal period with legislated procedure for appeals to be filed and heard, etc.

If the question on the ballot is voted in favour by the majority of the electors (with at least 50% of the eligible voters voting on the question and more than 50% of the votes cast being in the affirmative) then Council may be obligated to do everything in its power to implement the results in a timely manner.

Method of implementing if binding: Council within 14 to 180 days after Voting Day will pass a resolution giving the OLG permission to consider Fort Frances as a gaming site for the location of a new gaming facility (casino). This resolution would be communicated to the OLG.

On a no vote, the municipality shall do nothing within its jurisdiction to implement the matter for a period of 4 years following Voting Day.

This is provided to you for your consideration.

/GT

This report is provided for Council's information to aid in consideration of whether or not to include a question on the ballot in the 2014 municipal election pertaining to Fort Frances being considered for a gaming site.

THE TOWN OF FORT FRANCES

17 March 2014

REPORT TO: Mayor & Council

FROM: Glenn Treftlin, Clerk

SUBJECT: Final Date for passing or amending a by-law for placing a question on the ballot in the 2014 municipal election

This is to advise you that the last date to amend or pass a by-law to include a question on the ballot in the 2014 Municipal Election is Wednesday, April 30, 2014. (last date for regular Fort Frances Council meeting is April 28th). The Town Clerk is to provide notice with legislated content of the intent by council to pass such a by-law to the public and the Minister of Municipal Affairs and Housing a minimum of 10 days before the by-law is passed and at least one public meeting is required to be held before it is passed. (regular meeting of Council is April 14th)

Council should have regard to the following considerations if a question is to be placed on the ballot:

Impact on voter turnout

Costs of inclusion – public notice, public meeting, communication to the public

Costs if decision is binding

Method of implementing if binding

Nature of Question:

A question must:

- a) concern a matter within the jurisdiction of the municipality
- b) not concern a matter that has been prescribed as a matter of provincial interest. The Province through Regulation 425/00, as amended, (See copy attached) has defined matters of provincial interest as:
 - i) any matter for which the municipality does not have the authority to implement all aspects of the results of the question.
 - ii) any matter for which the municipality requires an action by the Province of Ontario in order to implement the results of the question.
 - iii) Without limiting paragraphs i) and ii) gaming sites as defined in the *Ontario Lottery and Gaming Corporation Act, 1999*. (See attached copy of O. Reg. 81/12)
 - iv) Without limiting paragraphs i) and ii), municipal restructuring, including the consideration, investigation, discussion and negotiation of municipal restructuring.



- c) be clear, concise and neutral.
- d) Be capable of being answered in the affirmative or the negative – the only permitted answers to the question are “yes” or “no”.

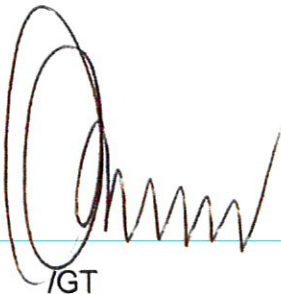
Notice of passage of a by-law must be given to the Minister and public within 15 days of passing the by-law.

Following notice to the Minister and public, there is an appeal period with legislated procedure for appeals to be filed and heard, etc.

The results of a question on the ballot may bind Council to taking some form of action at some cost. If a question on the ballot is voted in favour by the majority of the electors (with at least 50% of the eligible voters voting on the question and more than 50% of the votes cast being in the affirmative) then Council may be obligated to do everything in its power to implement the results in a timely manner (action must be taken between 14 and 180 days after Voting Day).

On a no vote, the municipality shall do nothing within its jurisdiction to implement the matter for a period of 4 years following Voting Day.

This is provided to you for your information.



/GT

This report is provided for Council's information only.



Municipal Elections Act, 1996
Loi de 1996 sur les élections municipales

ONTARIO REGULATION 425/00
PROVINCIAL INTEREST

Consolidation Period: From September 12, 2012 to the [e-Laws currency date](#).

Last amendment: O. Reg. 275/12.

This Regulation is made in English only.

1. (1) For the purpose of subsection 8.1 (2) of the Act, the following are matters of provincial interest with respect to which the municipality cannot ask a question:

1. Any matter for which the municipality does not have the authority to implement all aspects of the results of the question.
2. Any matter for which the municipality requires an action by the Province of Ontario in order to implement the results of the question.
3. Without limiting paragraphs 1 and 2, gaming sites as defined in the *Ontario Lottery and Gaming Corporation Act, 1999*.
4. Without limiting paragraphs 1 and 2, municipal restructuring, including the consideration, investigation, discussion and negotiation of municipal restructuring. O. Reg. 425/00, s. 1 (1); O. Reg. 561/00, s. 1 (1); O. Reg. 275/12, s. 1 (1).

(2) Despite subsection (1), a municipality may seek public input into the establishment of a proposed gaming site, for the purposes of subparagraph 3 i of subsection 2 (2) of Ontario Regulation 81/12 (Requirements for Establishing a Gaming Site) made under the *Ontario Lottery and Gaming Corporation Act, 1999*. O. Reg. 275/12, s. 1 (2).

(3)-(5) REVOKED: O. Reg. 410/03, s. 1.

(6) For the purposes of this section,

“municipal restructuring” means,

- (a) annexing part of a municipality to another municipality,
- (b) annexing a geographic area that does not form part of a municipality to a municipality,
- (c) amalgamating a municipality with another municipality,
- (d) separating a local municipality from an upper-tier municipality for municipal purposes,
- (e) joining a local municipality to an upper-tier municipality for municipal purposes,
- (f) dissolving all or part of a municipality,
- (g) incorporating the inhabitants of a geographic area as a municipality whether or not the area or any part of the area forms part of a municipality before the incorporation. O. Reg. 561/00, s. 1 (2).

Ontario Lottery and Gaming Corporation act, 1999

ONTARIO REGULATION 81/12
REQUIREMENTS FOR ESTABLISHING A GAMING SITE

Consolidation Period: From June 1, 2012 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Definitions

1. In this Regulation,

“band”, “council of the band” and “reserve” have the same meanings as in the *Indian Act* (Canada); (“bande”, “conseil de la bande”, “réserve”)

“municipality” means a lower-tier or single-tier municipality. (“municipalité”) O. Reg. 81/12, s. 1.

Requirements

2. (1) Subject to subsections (2) and (3), the Corporation may authorize the establishment of a gaming site on an electronic channel or, at premises approved by the Corporation, in a municipality or on a reserve. O. Reg. 81/12, s. 2 (1).

(2) The Corporation shall not authorize the establishment of a gaming site until after the Corporation takes the steps and requires that the conditions are met as follows:

1. The Corporation prepares a business case for the proposed gaming site that,
 - i. sets out the cost of establishing the proposed gaming site,
 - ii. demonstrates the viability of the proposed gaming site and the adequacy of responsible gaming features for the proposed gaming site, and
 - iii. sets out or demonstrates any other matter that the Corporation considers appropriate.
2. The Corporation gives a copy of the business case, and any other information requested by the Minister or by the Minister of Finance, to the Minister and the Minister of Finance for review.
3. In the case of a proposed gaming site to be established at premises in a municipality or on a reserve,
 - i. the municipal council or the council of the band, as the case may be, seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received, and
 - ii. the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the gaming site in the municipality or on the band's reserve and gives a copy of the resolution to the Corporation.
4. The Minister and the Minister of Finance agree to the business case prepared by the Corporation.
5. The Corporation publishes a notice in a newspaper or on the Corporation's website, or both, as determined by the Corporation, advising that the proposed gaming site is to be established and containing the information that the Corporation considers appropriate. O. Reg. 81/12, s. 2 (2).

(3) If both of the following circumstances apply, the Corporation shall not authorize the establishment of the gaming site until after the Corporation takes the step set out in paragraph 5 of subsection (2), and the steps and conditions set out in paragraphs 1, 2, 3 and 4 of subsection (2) need not be taken or met:

1. The proposed gaming site is to be established in a municipality or on a reserve at the same premises where a charitable organization conducts and manages one or more lottery schemes pursuant to a provincial order in council and a licence issued by the municipal council, council of the band or the Registrar of Alcohol and Gaming.
2. The lottery schemes offered at the proposed gaming site and described in paragraph 1 are restricted to the following games conducted and managed by the Corporation:
 - i. Lotteries, using paper tickets.
 - ii. Raffles, using paper tickets.

- iii. Paper break open tickets.
- iv. Break open tickets sold by means of an electronic break open ticket dispenser.
- v. Break open tickets played on an electronic bingo device.
- vi. Bingo, using paper cards.
- vii. Bingo played on an electronic bingo device.
- viii. Instant games played on an electronic bingo device. O. Reg. 81/12, s. 2 (3).

Exception — proposed gaming site to sell lottery tickets

3. The Corporation may authorize the establishment of a gaming site solely for the sale of lottery tickets by a person authorized by the Corporation to sell lottery tickets for a lottery scheme. The steps and conditions set out in subsection 2 (2) need not be taken or met in this case. O. Reg. 81/12, s. 3.

4. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 81/12, s. 4.

5. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 81/12, s. 5.

Français

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Town of Fort Frances

Notice of Intention to Pass A By-law

To Submit A Question to the Electors

Take notice that the Council of the Corporation of the Town of Fort Frances at the April 14, 2014 regular Council meeting following the regular meeting of Committee of the Whole of Council and starting not later than 7:00 pm in the Council Chambers, Civic Centre will hold a public meeting to consider a by-law that if approved, will place the following question on the October 27, 2014 municipal election ballot. The by-law in its final form will be presented to Council for approval at the regular meeting of Council on April 28, 2014.

Question:

"Are you in favour of Council for the Corporation of the Town of Fort Frances advising the Ontario Lottery and Gaming Corporation that Fort Frances may be considered by them as a site for the location of a new gaming facility (casino), the location of which within the boundaries of Fort Frances is to be determined?"

YES

NO

Under provisions of the *Municipal Elections Act, 1996*, as amended, referendum results will be binding on the municipality, subject to some exceptions, if at least 50 per cent of eligible electors vote on a question.

If a question receives a binding "no" result, Fort Frances Council will not consider or pass another resolution asking the Ontario Lottery and Gaming Corporation to consider Fort Frances as a gaming site during the 2014-2018 term of Council.

The costs of implementing the results of the question, whether the result is in the affirmative or negative, are considered to be negligible.

Appeal Process

Should Fort Frances Council approve the by-law authorizing placement of the question on the ballot, the Minister of Municipal Affairs and Housing and any other person or entity may appeal to the Chief Election Officer of the Province of Ontario on the grounds that the question:

- i) is not clear, concise or neutral, and/or
- ii) is not capable of being answered by either the "YES" or "NO" options provided.

The Clerk shall give notice of the passage of the by-law to the public and the Minister. Such notice will provide further instructions with respect to the appeal process. A Notice of Appeal must set out the objections to the by-law and question and the reasons in support of the objections.

Dated at Fort Frances, Ontario, this 2nd day of April 2014.