



PETITIONS

AN INFORMATION GUIDE FOR THE PUBLIC



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GENERAL INFORMATION

This Guide is not intended to serve as a legal document but only provides general information about the requirements for petitions and contains sections of the Municipal Government Act that govern the preparation and requirements for petitions. This Guide is not a replacement for consulting the legislation or obtaining legal advice.

Legislative & Legal Services is pleased to provide clarifications and information to help you prepare a petition, however, you should consult a lawyer if you are planning a petition in order to ensure that it complies with all the necessary requirements.

Complete copies of the Municipal Government Act can be obtained from:

Queen's Printer Bookstore
11510 Kingsway Avenue
Edmonton, Alberta
T5G 2Y5
telephone: 427-4952
email: qp@gov.ab.ca

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INTRODUCTION

The Municipal Government Act, RSA 2000, c. M-26 (“the Act” or “the MGA”) contains provisions respecting public participation in the workings of local government through a petitioning process. A petition is a written request signed by citizens and presented to Council. It can be used to require Council to take action, or simply to alert Council to some issue of public concern.

Under the Act, certain forms of petitions can be used as part of a process to oblige Council to either pass or adopt a bylaw or resolution or to repeal or rescind a bylaw or a previously adopted resolution. These petitions will be referred to as “legally binding petitions”. The Municipal Government Act also contains provisions respecting local improvement petitions. These petitions are used to initiate construction projects that benefit a specific residential, commercial or industrial area as opposed to the entire municipality and will be referred to as “local improvement petitions”. In addition to these “formal” petitioning processes, the public can provide input to Council through an “informal” petition – referred to here as a “statement of position”. While an informal petition cannot require Council to pursue a particular action, it can be an effective means of communicating a public concern. These three forms of petitions will be discussed at greater length within this publication.

I. LEGALLY BINDING PETITIONS

Under Alberta law, the *Municipal Government Act*, certain forms of petitions can be used as part of a process to **oblige** a municipal council to take a specific action.

The public has the right to petition for the following:

- For a new bylaw or a bylaw to amend or repeal a bylaw or resolution on any matter within the authority of Council except under Part 8, 9, 10 or 17 (Financial Administration, Assessment of Property, Taxation and Planning and Development) - This means there is no petitioning right for matters related to Assessment of Property, Taxation and Planning and Development.
- Under Part 8, Financial Administration, the public has specific petitioning rights to petition against the following matters that must be advertised: borrowing bylaws, loan bylaws, guarantee of repayment of loan bylaws. There is also the right to petition a municipality to appoint an auditor.
- For a meeting between Council and the public to discuss the matters set out in the petition.
- For or against a local improvement.

- For an inquiry by the Minister of Municipal Affairs into the affairs of the municipality, the conduct of a councillor, or an employee or agent of the municipality.

The requirements for these petitions are set out in Part 7 of the ***Municipal Government Act***, and in legal cases which interpret the legislation. The basic requirements for a valid petition for each type of petition are the same, however, as for local improvement petitions, there are also legislative provisions that are specific in each instance.

PLEASE NOTE: There is no right to petition for a vote on proposed planning, development and road closure bylaws and resolutions even though they are advertised. Public input on these matters is provided through the Public Hearing process.

Sept. 13/04

A. REQUIREMENTS FOR A VALID (“SUFFICIENT”) PETITION

Generally speaking, the requirements for a valid petition are set out in sections 222 to 226 of the Act. A brief summary of these requirements is set out below and the complete text of these sections can be found on pages 3 and 4 of this Guide. Please refer to the complete text for detailed information regarding these mandatory statutory requirements:

Section #	MUNICIPAL GOVERNMENT ACT
222	The petitioners must be electors of the municipality unless otherwise specified (ie. local improvement petitions). (NOTE: See * below for requirements of an elector.) <small>Sept. 13/04</small>
223	The number of petitioners must equal 10% of the population (except for local improvement petitions). (*In 2004 and until new census figures are obtained, this number would be 7,600 electors.) Please contact Legislative & Legal Services to obtain the most recent Strathcona County population figures. <small>Sept. 13/04</small>
224	To be valid the petition itself must be in the proper format and meet the statutory requirements set out in this section. The formatting requirements are stringent : The petition must include for each petitioner: <ul style="list-style-type: none">• The printed surname and given names or initials of the petitioner,• The signature of the petitioner,• The street address or legal description of the land on which the petitioner lives (rural route or post office box numbers are not sufficient),• The date the petitioner signed the petition, and• The signature of an adult witness opposite the signature of the petitioner. In counting the number of petitioners, the name of a person must be excluded if these statutory requirements are not met. <small>Sept. 13/04</small>

	<p>Each witness must also take an affidavit that, to the best of the person's knowledge, the signatures witnessed are those of persons entitled to sign the petition. (A form of affidavit is included at the end of this Guide.)</p> <p style="text-align: right;">Sept. 13/04</p>
225	<p>A petition must be filed with the Chief Administrative Officer. In Strathcona County, this authority has been delegated to the Manager of Legislative & Legal Services. All the signatures on the petition must have been dated within 60 days of the date the petition is filed. A signed statement of a person stating that he/she is the representative of the petitioners must accompany the petition. (A form of statement is included at the end of this Guide.)</p> <p style="text-align: right;">Sept. 13/04</p>
226	<p>The Manager of Legislative & Legal Services must make a declaration regarding the validity of the petition within 30 days of it being filed. (see Section 5: Determining the Sufficiency of a Petition)</p> <p style="text-align: right;">Sept 13/04</p>
*	REQUIREMENTS OF AN ELECTOR
1(j)	<p>An elector is a person who is eligible to vote at an election.</p>
47	<p>A person is eligible to vote in an election if they are at least 18 years old, a Canadian citizen and have resided in Alberta for 6 consecutive months immediately preceding and are resident in the area on the date they sign the petition.</p>

**STATUTORY REQUIREMENTS FOR A SUFFICIENT PETITION
SECTIONS 221 TO 226, MUNICIPAL GOVERNMENT ACT**

Petition sufficiency requirements

221 *A petition is sufficient if it meets the requirements of sections 222 to 226.*

Who can petition

222 *Unless otherwise provided in this or any other enactment, only electors of a municipality are eligible to be petitioners.*

Number of petitioners

223(1) *A petition must be signed by the required number of petitioners.*

- (2) *If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,*
- (a) *in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 10% of the population, and*
 - (b) *in the case of a summer village, by 10% of the electors of the summer village.*

Other requirements for a petition

224(1) *A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.*

- (2) *The petition must include, for each petitioner,*
- (a) *the printed surname and printed given names or initials of the petitioner,*
 - (b) *the petitioner's signature,*
 - (c) *the street address of the petitioner or the legal description of the land on which the petitioner lives, and*
 - (d) *the date on which the petitioner signs the petition.*
- (3) *Each signature must be witnessed by an adult person who must*
- (a) *sign opposite the signature of the petitioner, and*
 - (b) *take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.*

- (4) *The petition must have attached to it a signed statement of a person stating that*
 - (a) *the person is the representative of the petitioners, and*
 - (b) *the municipality may direct any inquiries about the petition to the representative.*

B. PETITIONS FOR VOTE OF ELECTORS ON ADVERTISED BYLAWS OR RESOLUTIONS

Pursuant to section 231 of the Municipal Government Act, the electors of a municipality may, after a bylaw or resolution proposed by Council that is required to be advertised, submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed. These petitions pertain to bylaws or resolutions that, under the MGA or another Act, are required to be advertised. These would include financial matters such as borrowing bylaws, loans and guarantees but do not include bylaws or resolutions under Part 17 (planning and development matters) or road closure bylaws.

If a petition meets all the legal requirements, Council is **required to either hold a vote or do what has been petitioned for**. If the majority of voters vote in support of what has been petitioned for, Council must do as the petitioners ask. If the petition does not meet all the legal requirements, Council is legally permitted to ignore it.

A brief summary of this section is set out below and the complete text can be found on page 6 of this Guide.

Section #	
231(1)	No right to petition regarding bylaws or resolutions under Part 17 (planning and development matters) or road closure bylaws.
231(2)	Separate petition required for each bylaw or resolution.
231(3)	Petitions respecting financial matters must be filed within 15 days after advertisement.
231(4)	Petitions respecting other matters may be filed within 60 days of advertisement.
231(5)	Upon receipt of a sufficient petition, Council must either not proceed with the proposed bylaw or submit the proposed bylaw to a vote.
231(6)-(8)	If the vote approves the proposed bylaw or resolution, Council may pass or adopt it. If it is not approved, Council may not.
231(9)	If no petition is received within the timeframe, Council may proceed to pass the proposed bylaw or adopt the proposed resolution.

**STATUTORY REQUIREMENTS DEALING SPECIFICALLY WITH PETITIONS
FOR VOTE OF THE ELECTORS - ADVERTISED BYLAWS AND RESOLUTIONS
SECTION 231 MUNICIPAL GOVERNMENT ACT**

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.*

C. OTHER PETITIONING RIGHTS

1. PUBLIC VOTE BYLAWS - NEW BYLAWS/RESOLUTIONS ON ANY MATTER WITHIN COUNCIL'S JURISDICTION

The legislation **restricts what can be petitioned on**. Since municipal councils do not have an unlimited authority or power, the petition's subject matter must fall within Council's power. A further restriction is section 232(2) of the ***Municipal Government Act***. It states that a petition has no effect if it requests a new bylaw, or the repeal of an existing bylaw or Council decision on financial administration, assessment and taxation, or planning and development issues.

If the petition is not sufficient the municipality is not required to take any notice of it (regardless of how many people have signed). If a sufficient petition has been received, Council must either decide not to proceed with the proposed bylaw or resolution **OR** 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 petition; EXCEPT that if a petition for a vote of the electors is filed within 12 months before a general election and a vote of the electors is to be conducted because of the petition, Council may direct that the vote be conducted at the general election. A brief summary of these sections is set out below and the complete text can be found on pages 8 to 10 of this Guide.

Section #	
232	Electors may petition for a new bylaw, a bylaw amendment or repeal of a bylaw or a resolution dealing with a matter with Council's jurisdiction except respecting financial administration, assessment and taxation, or planning and development issues.
233(2)	A petition requesting the amendment or repeal of a bylaw or resolution must be filed within 60 days of passing of that bylaw or resolution.
233(3)	Within 30 days of receipt of a valid petition Council must give first reading to a bylaw dealing with the subject matter of the petition.
233(4)	If the bylaw is not required to be advertised, Council must either pass the bylaw within 30 days of first reading or fix a date for a vote.
233(5)	If the bylaw does require advertising, Council must advertise it or fix a date for a vote.
233(6)	If, after advertising, a sufficient petition is not received, Council must pass the bylaw or fix a date for a vote.
233(7)	If, after advertising, a sufficient petition is received, Council must either not proceed with the proposed bylaw or fix a date for a vote.
234	This section deals with petitions respecting bylaws that have been passed as a result of a vote of the electors.
235	If a majority of voters vote in favour of the bylaw, it must be given second and third readings; if the majority of votes oppose the proposed bylaw, Council may not give any further readings and all previous readings are rescinded.

**STATUTORY REQUIREMENTS DEALING SPECIFICALLY WITH NEW BYLAWS
SECTIONS 232 - 235 MUNICIPAL GOVERNMENT ACT**

Petition for bylaw

232(1)Electors may petition for

- (a) a new bylaw, or*
- (b) a bylaw to amend or repeal a bylaw or resolution*

on any matter within the jurisdiction of the council under this or another enactment.

- (2) A petition requesting a new bylaw under Part 8, 9, 10 or 17 or an amendment or repeal of a bylaw or resolution made under Part 8, 9, 10 or 17 has no effect.*

1994 cM-26.1 s232; 1995 c24 s29; 1996 c30 s12

Council's duty on receiving certain petition

233(1)Except to the extent provided for in section 234, this section does not apply to a petition under section 232 requesting an amendment or repeal of a bylaw that council was required to pass as a result of a vote of the electors.

- (2) A petition under section 232 requesting an amendment or repeal of a bylaw or resolution is not sufficient unless it is filed with the chief administrative officer within 60 days after the day on which that bylaw or resolution was passed.*
- (3) Within 30 days after the day on which the chief administrative officer declares a petition submitted under section 232 to be sufficient, the council must give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary.*
- (4) If the bylaw is not required to be advertised under this or another enactment, the council must*
 - (a) within 30 days after the bylaw receiving first reading pass the bylaw, or*
 - (b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.*
- (5) If the bylaw is required to be advertised under this or another enactment, the council must*
 - (a) ensure that the bylaw is advertised, or*

- (b) *fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.*
- (6) *If the bylaw is advertised and a sufficient petition is not received under section 231, the council must*
 - (a) *pass the bylaw within 30 days after the relevant time period set out in section 231(3) or (4), or*
 - (b) *fix a date that is within 90 days after the relevant time period set out in section 231(3) or (4) for a vote of the electors on the bylaw.*
- (7) *If the bylaw is advertised and a sufficient petition is received under section 231, the council must either*
 - (a) *decide not to proceed with the proposed bylaw, or*
 - (b) *decide to proceed with the proposed bylaw and submit the bylaw to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.*

1994 cM-26.1 s233; 1995 c24 s30

Petitions respecting public vote bylaws

234(1) In this section, "public vote bylaw" means a bylaw that council was required to pass as a result of a vote of the electors.

- (2) *A petition under section 232 requesting an amendment or repeal of a public vote bylaw has no effect unless one year has passed from the date that the public vote bylaw was passed.*
- (3) *If a council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and only one to 3 years have passed from the date that the public vote bylaw was passed, the council must, within 30 days after the day on which the chief administrative officer declares the petition to be sufficient,*
 - (a) *give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary, and*
 - (b) *fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.*
- (4) *If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and more than 3 years but less than 10 years have passed from the date that the public vote bylaw was passed,*

- (a) *the amendment or repeal must be treated as a bylaw that is required to be advertised, and*
 - (b) *section 233(3), (5), (6) and (7) apply.*
- (5) *If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and 10 or more years have passed from the date that the public vote bylaw was passed, section 233(3) to (7) apply.*

1994 cM-26.1 s234; 1995 c24 s31

Result of a vote on a question

235(1) If a majority of electors voting on a bylaw under section 233 or 234 vote in favour of a proposed bylaw, the bylaw as submitted to the vote must be passed by council within 30 days after the date of the vote, without any alteration affecting its substance.

- (2) *If a majority of electors voting oppose the proposed bylaw, council must not give the bylaw any further readings and all previous readings are rescinded.*

1994 cM-26.1 s235

2. FOR A MEETING

Section 229 of the MGA provides that Council may be petitioned to call a meeting with the public to discuss the matters stated in the petition.

Section #	
229	If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition and the meeting must be held no later than 30 days after the chief administrative officer declares the petition to be sufficient.

3. FOR AN INQUIRY

The Act also provides that 20% of the population of a municipality (other than a summer village) may petition the Minister of Municipal Affairs to conduct an inquiry into the affairs of the municipality, the conduct of a councillor, employee or agent of the municipality or the conduct of a person who has an agreement with the municipality.

Section #	
572(1)	The Minister may order an inquiry on receipt of a sufficient petition or a request from a Council.
572(2)	An inquiry may be conducted into the affairs of the municipality, the conduct of a councillor, employee or agent of the municipality or the conduct of a person who has an agreement with the municipality.
572(3)-(6)	Set out details regarding the conduct of the inquiry.

4. COUNCIL RESPONSE TO A VALID PETITION

The actions requested in a valid petition directed to a municipal council require a response. The response time or action varies with the nature and subject matter of the petition. For example:

Where a sufficient petition for a vote of the electors on an advertised proposed bylaw under section 231 of the MGA has been received, Council must decide either to not proceed with the bylaw or submit the bylaw to a vote of the electors within 90 days after the declaration of sufficiency. If the bylaw is approved by a vote of the electors, Council must pass it. If the bylaw is not approved by a vote of the electors, all previous readings of the bylaw are rescinded and Council cannot give it any more readings.

Where a sufficient petition for a new bylaw on a matter that is within the jurisdiction of Council pursuant to section 232 is received, Council must, within 30 days of the declaration of sufficiency, give first reading to the bylaw. Council then has the option of passing the bylaw within 30 days of the date of the first reading or putting the bylaw to a vote of the electors within 90 days of the date of first reading. Council is bound by the results of a vote of the electors.

Council is bound by the results of a vote of the electors under sections 233 and 234 of the MGA. Section 234 also outlines the time periods that must be adhered to when petitioning on bylaws that were previously subjected to a public vote.

Section 238 of the MGA states Council has the right to delay a vote under a sufficient petition if the petition is filed within one year before a general election or if the petition is received within a year of another petition on the same or a similar subject. Council is restricted in its ability to amend or repeal a bylaw that has been passed as a result of a vote of electors.

Sept. 13/04

Section #	
231	See B. Petitions for Vote of Electors on Advertised Bylaws or Resolutions <small>Sept. 13/04</small>
232, 233, 234 & 235	See C. Other Petitioning Rights – Public Vote Bylaws – New Bylaws/Resolutions on any Matter Within Council’s Jurisdiction <small>Sept. 13/04</small>
238	If a petition for a vote of the electors is filed with the chief administrative officer within 12 months before a general election and a vote of electors is to be conducted because of the petition, the council may direct that the vote be conducted at the general election. A vote under subsection (1) must be conducted on the date of the general election whether or not a general election is conducted.

239	If a vote of the electors is conducted on a bylaw or resolution, the council may refuse to receive any further petition on the same or a similar subject filed within one year of the date of the vote.
240	A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended or repealed only if a vote of the electors is held on the proposed amendment or repeal and the majority of the electors voting vote in favour of the proposed amendment or repeal, or 3 years have passed from the date that the bylaw or resolution was passed and the proposed amendment or repeal is advertised, or 10 years have passed from the date that the bylaw or resolution was passed.

STATUTORY REQUIREMENTS FOR COUNCIL RESPONSE TO A VALID PETITION, OTHER PETITIONING RIGHTS AND OTHER PERTINENT SECTIONS

Petition for meeting

229 *If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition and the meeting must be held no later than 30 days after the chief administrative officer declares the petition to be sufficient.*

1994 cM-26.1 s229; 1995 c24 s27

Delaying votes

238(1) *If a petition for a vote of the electors is filed with the chief administrative officer within 12 months before a general election and a vote of electors is to be conducted because of the petition, the council may direct that the vote be conducted at the general election.*

(2) *A vote under subsection (1) must be conducted on the date of the general election whether or not a general election is conducted.*

1994 cM-26.1 s238; 1995 c24 s32

One year moratorium on similar subject-matter

239 *If a vote of the electors is conducted on a bylaw or resolution, the council may refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.*

1994 cM-26.1 s239

Amendments or repeal of bylaws or resolutions voted on by electors

240(1) *A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended or repealed only if*

(a) *a vote of the electors is held on the proposed amendment or repeal and the majority of the electors voting vote in favour of the proposed amendment or repeal,*

(b) *three years have passed from the date that the bylaw or resolution was passed and the proposed amendment or repeal is advertised, or*

(c) *ten years have passed from the date that the bylaw or resolution was passed.*

(2) *A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended if the amendment does not affect the substance of the bylaw or resolution.*

Inquiry

572(1) The Minister may order an inquiry described in subsection (2) if the Minister receives

- (a) a sufficient petition requesting the inquiry that is signed,*
 - (i) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 20% of the population, and*
 - (ii) in the case of a summer village, by at least 20% of the electors of the summer village,*

or

- (b) a request for the inquiry from a council.*

(2) An inquiry may be conducted into

- (a) the affairs of the municipality,*
- (b) the conduct of a councillor, or an employee or agent of the municipality, or*
- (c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or a person under the agreement.*

(3) The Minister may appoint one or more persons to conduct an inquiry under this section.

(4) The person or persons appointed to conduct an inquiry are entitled to the fees and expenses specified by the Minister and the Minister may direct who is to pay for the inquiry.

(5) The person or persons appointed to conduct an inquiry have all the powers and duties of a commissioner appointed under the Public Inquiries Act.

(6) The person or persons appointed to conduct an inquiry must report to the Minister and the council and, if there was a petition under subsection (1)(a), to the representative of the petitioners.

5. DETERMINING THE SUFFICIENCY OF A PETITION

Upon the receipt of a petition filed in accordance with the provisions of the Municipal Government Act, the Manager of Legislative & Legal Services must determine whether the petition is 'sufficient'; that is, whether the petition meets all of the legislative requirements required of it. Only a sufficient petition can oblige Council to take the requested action.

Determining the sufficiency of a petition requires the Manager of Legislative & Legal Services to review the entire petition to ensure that:

- the correct number of petitioners has signed it;
- the petition is in an appropriate form;
- that an affidavit of execution is attached for each person who witnessed any signatures to the petition; and
- that the statement of representative is attached.

The Manager of Legislative & Legal Services must exclude from the petition all of the signatures to it that do not meet the requirements of section 225. In addition, a petition for a vote of the electors on a proposed bylaw that must be advertised under Part 8 (Financial Administration) must be filed with the Manager of Legislative & Legal Services within 15 days of the last date on which the proposed bylaw or resolution is advertised. Similarly, a petition for a vote of the electors on a proposed bylaw or resolution which is required to be advertised by another part of the Act, or another enactment, must be filed with the Manager of Legislative & Legal Services within 60 days of the last date on which the proposed bylaw is advertised. A petition cannot be deemed to be sufficient if these timeframes are not met.

Sept. 13/04

Within thirty days of receiving the petition, the Manager of Legislative & Legal Services must make a declaration to Council on whether the petition is sufficient or insufficient.

SECTION #	
225(1)	In Strathcona County, the Manager of Legislative & Legal Services is responsible to determine if a petition is valid.
225(2)	Once a petition has been filed, no name can be added to or removed from the petition.
225(3)	The name of a petitioner must be excluded if their signature is not witnessed, the page of the petition has a different purpose statement than the rest of the petition, the printed name is not included or is incorrect, the address is not included or is incorrect, the date the petition was signed is missing, the petitioner is not qualified to sign the petition or the petition was signed more than 60 days before it was filed with the chief administrative officer.
225(4)	Random statistical sampling methods may be used if 5000 petitioners or more are necessary.

**STATUTORY REQUIREMENTS FOR DETERMINING PETITION SUFFICIENCY
SECTIONS 225 - 226 MUNICIPAL GOVERNMENT ACT**

Counting petitioners

225(1) *A petition must be filed with the chief administrative officer and the chief administrative officer is responsible for determining if the petition is sufficient.*

- (2) *No name may be added to or removed from a petition after it has been filed with the chief administrative officer.*
- (3) *In counting the number of petitioners on a petition there must be excluded the name of a person*
 - (a) *whose signature is not witnessed,*
 - (b) *whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition,*
 - (c) *whose printed name is not included or is incorrect,*
 - (d) *whose street address or legal description of land is not included or is incorrect,*
 - (e) *if the date when the person signed the petition is not stated,*
 - (f) *when a petition is restricted to certain persons,*
 - (i) *who is not one of those persons, or*
 - (ii) *whose qualification as one of those persons is not, or is incorrectly, described or set out,*
 - (g) *who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer.*
- (4) *If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.*

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.*

1994 cM-26.1 s226; 1995 c24 s26

II. LOCAL IMPROVEMENTS

Local improvements are defined in the Municipal Government Act as a project that Council considers to be of greater benefit to an area of the municipality than to the whole municipality and that is to be paid for by a tax imposed only against the properties within that benefiting area. Local improvements are construction projects and include such items as street or lane paving, new or replacement sidewalks, curb and gutter replacements, street lighting and fencing. Local improvements must have a 'public' aspect; that is, the municipality either owns the land upon which the project is to be constructed (i.e. roads, sidewalks) or it owns the 'work' being constructed (i.e. water or sewer system). The local improvement process is not available for construction projects on private property, which includes condominium properties.

The municipality can initiate a local improvement or a group of property owners may initiate a local improvement by way of a local improvement petition. A single individual cannot initiate a local improvement. Whether the municipality or a group of property owners initiates a local improvement, affected property owners have the opportunity to petition against it.

The Act sets out detailed provisions that must be met in order for the local improvement to be undertaken. In addition to the other requirements respecting sufficient petitions as set out above, a valid local improvement petition must be signed by 2/3 of the affected property owners who represent at least 1/2 of the total assessment of the affected area, according to the last revised assessment roll.

Whether the municipality or a group of property owners initiates a local improvement, the municipality must prepare a Local Improvement Plan and a notice regarding the proposal must be provided to the persons who will be liable to pay the local improvement tax.

PLEASE NOTE: Council can, under section 408, impose a local improvement for a sewer if council considers it to be in the public interest and the construction is recommended by a health officer. There is no right to petition against the local improvement in this instance. Similarly, section 409 allows council to assess the cost of constructing private connections for local improvements against the properties involved without the right of petition.

Sept. 13/04

A. LOCAL IMPROVEMENT PETITIONS

The majority of local improvement projects are initiated by a group of property owners by way of petition. **In addition to the petitioning rules set forth in sections 222 – 226 of the Municipal Government Act, a local improvement petition must also meet the requirements of section 392.** To be valid, the petition must be signed by 2/3 of the affected property owners who represent at least 1/2 the total assessment of the affected area, according to the last revised assessment roll.

In preparing to undertake a local improvement petition, you should consider the following:

1. Where is the local improvement proposed to be constructed? Strathcona County can provide you with maps to assist you in indicating the location of the proposed local improvement and determining the benefiting area. For mapping information, please contact:

G.I.S. (Geographic Information Systems) Technologist
Engineering & Environmental Planning Services
2001 Sherwood Drive, Sherwood Park, Alberta T8A 3W7
Phone: (780) 464-8255 Fax: (780) 464-8116

2. Once you have identified the location of the proposed local improvement, you need to identify the affected property owners. Which properties will benefit from the proposed local improvement and be responsible to pay the associated local improvement tax? These are the property owners you will want to have sign your petition.
3. You will need to contact each of these property owners to sign your local improvement petition. You will need to have 2/3 of these people sign in support of your petition and they must represent at least 1/2 of the assessed value of the affected properties.

While the *Freedom of Information and Protection of Privacy Act* (FOIP) prevents the County from disclosing personal information (such as the names and mailing addresses of the owners of lands within the benefiting area), we can provide you with property information such as assessed value, legal descriptions and property addresses. For further information regarding properties within the benefiting area, contact:

Strathcona County Assessment & Taxation
2001 Sherwood Drive, Sherwood Park, Alberta T8A 3W7
Phone: (780) 464-8196 Fax: (780) 464-8270

For further information regarding property owners it may be necessary to attend at the Land Titles Office:

John E. Brownlee Building
10365-97 Street
Edmonton, Alberta T5J 3W7
Phone: (780) 427-2742 Fax: (780) 422-4290

4. Prepare your petition form, identifying the proposed local improvement and the properties affected by it. A template local improvement petition is provided in this Guide, however, the County will not be responsible for the

drafting of petitions. You should consider contacting a solicitor for independent advice regarding the preparation of your petition.

5. In order to acquire the necessary signatures, you should be able to provide your own cost estimates and other pertinent information to your potential petitioners. If your petition is sufficient, the County will get further estimates of the cost of the proposed local improvement and these costs will be included in the local improvement plan and subsequent notice.

SECTION #	
392(2)	The petition must be signed by 2/3 of the affected property owners who represent at least 1/2 the total assessment of the affected area.
392(3)	All owners of a property (if multiple owners) are considered as one owner.
392(4)	Local government bodies may opt to exclude their lands in determining sufficiency of a petition.
392(5)	A person signing on behalf of an organization must be 18 years of age and have a certificate authorizing them to sign the petition.

As with other petitions, all of the signatures on the petition must have been dated within sixty (60) days of the date the petition is filed with the Manager of Legislative & Legal Services and must be accompanied by a Statement of Representative. The Manager of Legislative & Legal Services must, within thirty (30) days of receiving a petition requesting the undertaking of a local improvement, make a declaration to Council as to whether the petition is sufficient or insufficient.

When a local improvement is proposed, the municipality must prepare a local improvement plan that describes the proposed improvement and estimates the costs associated with it. Once the local improvement plan has been prepared, the municipality must send a notice to the people who will be liable to pay the local improvement tax. The notice must include a summary of the information contained in the local improvement plan.

The sending of these notices triggers the opportunity for the affected landowners to petition against the proposed improvement. The petition, together with any Affidavits of Execution and the Statement of Representative must be returned to the municipality within thirty (30) days from the mailing date of the notice. If a petition against the improvement is received, the Manager of Legislative & Legal Services must again determine its sufficiency.

The affected property owners will be notified in writing whether or not the petition is valid. If the petition against the proposed local improvement is valid, the municipality will not proceed with the proposed improvement. If no petition against the improvement is received or if the petition against the proposed local improvement is not sufficient, Council may undertake the local improvement and pass the local improvement tax bylaw imposing the local improvement tax.

SECTION #	
393	The County or a group of owners may initiate a local improvement.
394	If a local improvement is proposed, the municipality must prepare a local improvement plan.
395	A local improvement plan must provide details of the local improvement, including a description of the improvement and its location, the affected parcels of land and their owners, how the tax rate is to be calculated, estimated cost and period of repayment, and any other information.
396(1)	After the plan is prepared, the municipality must send a notice to the people who will be liable to pay the tax.
396(3)	If a sufficient petition against the improvement is received within 30 days of the sending out of the notices, the local improvement may not proceed.
396(4)	If a sufficient petition is not received, Council may undertake the local improvement and impose the local improvement tax at any time within three years following the sending of the notices.

**STATUTORY REQUIREMENTS FOR LOCAL IMPROVEMENT PETITIONS
SECTIONS 391- 401 MUNICIPAL GOVERNMENT ACT**

Definition

391 *In this Division, "local improvement" means a project*

- (a) *that the council considers to be of greater benefit to an area of the municipality than to the whole municipality, and*
- (b) *that is to be paid for in whole or in part by a tax imposed under this Division.*

Petitioning rules

392(1) *Sections 222 to 226 apply to petitions under this Division, except as they are modified by this section.*

- (2) *A petition is not a sufficient petition unless*
 - (a) *it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and*
 - (b) *the owners who sign the petition represent at least ½ of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed.*
- (3) *If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of subsection (2).*
- (4) *If a municipality, school division, school district or health region under the Regional Health Authorities Act is entitled to sign a petition under this Division, it may give notice to the council prior to or at the time the petition is presented to the council that its name and the assessment prepared for its land under Part 9 are not to be counted in determining the sufficiency of a petition under subsection (2), and the council must comply with the notice.*
- (5) *If a corporation, church, organization, estate or other entity is entitled to sign a petition under this Division, the petition may be signed on its behalf by a person who*
 - (a) *is at least 18 years old, and*
 - (b) *produces on request a certificate authorizing the person to sign the petition.*

Proposal of local improvement

393(1)A council may on its own initiative propose a local improvement.

- (2) A group of owners in a municipality may petition the council for a local improvement.

Local improvement plan

394 If a local improvement is proposed, the municipality must prepare a local improvement plan.

Contents of plan

395(1)A local improvement plan must

- (a) describe the proposed local improvement and its location,
- (b) identify
 - (i) the parcels of land in respect of which the local improvement tax will be imposed, and
 - (ii) the person who will be liable to pay the local improvement tax,
- (c) state whether the tax rate is to be based on
 - (i) the assessment prepared in accordance with Part 9,
 - (ii) each parcel of land,
 - (iii) each unit of frontage, or
 - (iv) each unit of area,
- (d) include the estimated cost of the local improvement,
- (e) state the period over which the cost of the local improvement will be spread,
- (f) state the portion of the estimated cost of the local improvement proposed to be paid
 - (i) by the municipality,
 - (ii) from revenue raised by the local improvement tax, and
 - (iii) from other sources of revenue,

and

- (g) include any other information the proponents of the local improvement consider necessary.*
- (2) The estimated cost of a local improvement may include*
 - (a) the actual cost of buying land necessary for the local improvement,*
 - (b) the capital cost of undertaking the local improvement,*
 - (c) the cost of professional services needed for the local improvement,*
 - (d) the cost of repaying any existing debt on a facility that is to be replaced or rehabilitated, and*
 - (e) other expenses incidental to the undertaking of the local improvement and to the raising of revenue to pay for it.*

Procedure after plan is prepared

396(1) When a local improvement plan has been prepared, the municipality must send a notice to the persons who will be liable to pay the local improvement tax.

- (2) A notice under subsection (1) must include a summary of the information included in the local improvement plan.*
- (3) Subject to subsection (3.1), if a petition objecting to the local improvement is filed with the chief administrative officer within 30 days from the notices' being sent under subsection (1) and the chief administrative officer declares the petition to be sufficient, the council must not proceed with the local improvement.*
- (3.1) The council may, after the expiry of one year after the petition is declared to be sufficient, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.*
- (4) If a sufficient petition objecting to the local improvement is not filed with the chief administrative officer within 30 days from sending the notices under subsection (1), the council may undertake the local improvement and impose the local improvement tax at any time in the 3 years following the sending of the notices.*
- (5) When a council is authorized under subsection (4) to undertake a local improvement and*
 - (a) the project has not been started, or*
 - (b) the project has been started but is not complete,*

the council may impose the local improvement tax for one year, after which the tax must not be imposed until the local improvement has been completed or is operational.

1994 cM-26.1 s396; 1995 c24 s58

Local improvement tax bylaw

397(1) A council must pass a local improvement tax bylaw in respect of each local improvement.

- (2) A local improvement tax bylaw authorizes the council to impose a local improvement tax in respect of all land in a particular area of the municipality to raise revenue to pay for the local improvement that benefits that area of the municipality.*
- (3) Despite section 351(1), no land is exempt from taxation under this section.*

Contents of bylaw

398(1) A local improvement tax bylaw must

- (a) include all of the information required to be included in the local improvement plan,*
 - (b) provide for equal payments during each year in the period over which the cost of the local improvement will be spread,*
 - (c) set a uniform tax rate to be imposed on*
 - (i) the assessment prepared in accordance with Part 9,*
 - (ii) each parcel of land,*
 - (iii) each unit of frontage, or*
 - (iv) each unit of area,*

based on the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta, and
 - (d) include any other information the council considers necessary.*
- (2) The local improvement tax bylaw may set the uniform tax rate based on estimated average costs throughout the municipality for a similar type of local improvement and that rate applies whether the actual cost of the local improvement is greater or less than the uniform tax rate.*

Start-up of a local improvement

399 *The undertaking of a local improvement may be started, the local improvement tax bylaw may be passed and debentures may be issued before or after the actual cost of the local improvement has been determined.*

Person liable to pay local improvement tax

400 *The person liable to pay the tax imposed in accordance with a local improvement tax bylaw is the owner of the parcel of land in respect of which the tax is imposed.*

Paying off a local improvement tax

401(1) *The owner of a parcel of land in respect of which a local improvement tax is imposed may pay the tax at any time.*

(2) *If the local improvement tax rate is subsequently reduced under section 402 or 403, the council must refund to the owner the appropriate portion of the tax paid.*

III. INFORMAL PETITIONS

Informal petitions or "Statements of Position" can be used to express a public opinion to Council. While a Statement of Position cannot oblige Council to take a particular course of action, it can indicate a public concern.

A. REQUIREMENTS FOR A STATEMENT OF POSITION

Though there are no legislative requirements respecting Statements of Position, the following guidelines will be helpful in ensuring that your concern is easily understood by Council and by the administration:

1. A Statement of Position must be in writing, be legible and understandable. It must be signed by at least one person who provides a printed name and address.
2. Keep the wording of the Statement of Position as brief and as clear as possible.
3. If your Statement of Position is more than one page, include the entire wording of the Statement of Position at the top of each page so that it is clear that each person who signs the Statement of Petition is saying the same thing.
4. Get a signature, address and printed name for each person signing the Statement of Position.
5. Have each person who signs the Statement of Position include the date they signed it.
6. In order that the County can contact you with respect to the Statement of Position, you must designate a person as a contact person. Include the contact person's name, address, telephone number and fax number (where possible).
7. Statements of Position should be sent to:

Strathcona County
Legislative & Legal Services
2001 Sherwood Drive
SHERWOOD PARK, Alberta
T8A 3W7

B. HANDLING OF STATEMENTS OF POSITION

Upon receipt of a Statement of Position, the Manager of Legislative & Legal Services will forward it to the appropriate Department Manager for handling.

The Department Manager will notify the area Councillor that a Statement of Position has been received and, depending on the nature of the request in the Statement of Position, do one or more of the following:

- a) provide a report to Council seeking direction on the matter or as information for Council's deliberations on the matter which has given rise to the Statement of Position;
- b) consider the Statement of Position in making administrative decisions on any matter which has given rise to the Statement of Position;
- c) implement the request contained in the Statement of Position; or
- d) not implement the request contained in the Statement of Position.

The Manager of Legislative & Legal Services and the Department Manager will, within their respective areas of responsibility, communicate with the representative or contact person for those persons submitting the Statement of Position to advise of Council meeting dates, report recommendations, actions or decisions which are made or taken as a result of Statements of Position.

ATTACHMENTS

IV. FORMS

The following forms are attached for your assistance:

1. Form of Petition
2. Form of Petition for a Local Improvement
3. Form of Petition against a Local Improvement
4. Statement of Representative
5. Affidavit of Execution

V. POLICY GOV-002-014: RECEIPT & HANDLING OF PETITIONS

FORM 1

PETITION

(pursuant to the Municipal Government Act, RSA 2000, c. M-26)

TO: THE COUNCIL OF THE SPECIALIZED MUNICIPALITY OF STRATHCONA COUNTY, IN THE PROVINCE OF ALBERTA

THE UNDERSIGNED persons, being electors of the Specialized Municipality of Strathcona County, in the Province of Alberta, hereby petition for/to:

<INSERT ACCURATE STATEMENT OF PURPOSE AND OBJECTIVES OF PETITION HERE>

EACH PETITIONER, by signing this petition, certifies that he/she is:

- a Canadian citizen
- of at least 18 years of age
- has been resident in Alberta for 6 consecutive months immediately preceding and
- is resident in the Specialized Municipality of Strathcona County

on the date they sign the petition.

Sept. 13/04

Signature Of petitioner	Printed Name	Street Address or Legal Description	Date Signed	Signature of Adult Witness

- NB:**
- 1. Complete Affidavit of Execution of Witness**
 - 2. Include Statement of Representative**

FORM 2

PETITION FOR A *(describe local improvement)* AS A LOCAL IMPROVEMENT FOR *(location)*

I (We), *(printed name)*

the registered owner(s) of the property described as:

(legal description)

residing at: *(street address)*

hereby petition Strathcona County, pursuant to Division 7 of the Municipal Government Act, RSA 2000, c. M-26 to undertake the following local improvements:

(provide a clear description of actual services and work to be provided and include the following in the description):

Incidental and other expenses incidental to the undertaking of the local improvement and to the raising of revenue to pay for it.

I (we) understand that the estimated cost of the local improvement in the amount of (\$) will be paid for by

<INSERT: MANNER OF CALCULATION OF TAX RATE – I.E. A UNIFORM TAX RATE TO BE IMPOSED BASED ON ASSESSMENT, ON EACH PARCEL, ON EACH UNIT OF FRONTAGE OR EACH UNIT OF AREA. SEE SECTION 395(1)(C) FOR OPTIONS>

and will be amortized over a fifteen (15) year period *(or whatever term is chosen)* as a charge against the lands in question. I (We) further understand that the local improvement charge assessed against the lands in question may be prepaid at any time.

Witness

Signature

Witness

Signature

Signed by the petitioner(s) on: _____
(month/day/year)

**NB: Complete Affidavit of Execution of Witness
Include Statement of Representative**

FORM 3

PETITION AGAINST A *(describe local improvement)* AS A LOCAL IMPROVEMENT FOR *(location)* AS DESCRIBED IN NOTICE DATED *(date of notice)*

I (We), *(printed name)*

the registered owner(s) of the property described as:

(legal description)

residing at: *(street address)*

hereby petition Strathcona County, pursuant to Division 7 of the Municipal Government Act, RSA 2000, c. M-26, **not** to undertake the following local improvements:

(provide a clear description of actual services and work to be provided and include the following in the description):

Witness

Signature

Witness

Signature

Signed by the petitioner(s) on: _____
(month/day/year)

- NB:**
- 1. Complete Affidavit of Execution of Witness**
 - 2. Include Statement of Representative**

FORM 4

STATEMENT OF REPRESENTATIVE OF PETITIONERS

(Section 224(4) of the Municipal Government Act, RSA 2000, c. M-26)

I, _____, of _____,
(printed name) (address)

in the Province of Alberta, state that I am one of the petitioners whose name appears on the petition hereto attached and that I represent the petitioners and am the person to whom the municipality may direct any inquiries with respect to the petition.

Dated at the _____ of _____, in the Province of Alberta, this _____ day of _____, AD _____.

Signature of Representative

FORM 5

AFFIDAVIT OF EXECUTION

CANADA)
)
PROVINCE OF ALBERTA) I, _____, of the
)
TO WIT:) _____ of _____, in the
)
) **Province of Alberta, MAKE OATH AND SAY:**
)

1. I WAS PERSONALLY PRESENT and did witness those signatures on the attached petition where I have signed my name as an adult person.

2. THAT THE SAME was executed at the _____ of _____, in the Province of Alberta, and that I am the subscribing witness thereto.

3. THAT to the best of my knowledge the persons whose signatures I have witnessed on the petition are electors of the Specialized Municipality of Strathcona County.

SWORN before me at Sherwood)
)
Park, in the Province of Alberta,)
)
this day of) _____
)
AD _____.)

A Commissioner for Oaths in and for the Province of Alberta

Receipt & Handling of Petitions

Date of Approval by Council: 01/30/90; 08/22/95 09/21/99 **Resolution No.:** 45/90; 656/95
633/99

Lead Role: Chief Commissioner

Replaces: 20-00-047

Last Review Date: 09/21/99

Next Review Date: 09/2002

Administrative Responsibility: Manager, Legislative & Legal Services

Policy Statement

All Petitions pertaining to municipal matters which are submitted to Strathcona County shall be handled in accordance with the requirements of the Municipal Government Act and this policy.

Definitions

“Petition” is a document filed with the Manager, Legislative & Legal Services that meets the petitioning requirements of the Municipal Government Act;

“Statement of Position” is a document in letter or Petition format that pertains to matters for which there is no right to petition pursuant to the Municipal Government Act. Statements of Position are most often intended to advise the County of the opinions or desires of a group of municipal residents.

Guidelines

All documents purporting to be Petitions or Statements of Position will be filed with the Manager, Legislative & Legal Services for review.

The Manager, Legislative & Legal Services will determine whether filed documents meet the petitioning requirements of the Municipal Government Act.

Procedures

- 1.0 The Manager, Legislative & Legal Services will review the requirements of the Municipal Government Act to determine whether a filed document is a valid or invalid Petition, or is a Statement of Position.
- 2.0 The Manager, Legislative & Legal Services will provide a report to Council on valid and invalid Petitions filed pursuant to the Municipal Government Act.
- 3.0 Statements of Position will be forwarded by the Manager, Legislative & Legal Services to the appropriate Department Manager for handling.
- 4.0 The Department Manager will notify the area Councillor that a Statement of Position has been received and, depending on the nature of the request in the Statement of Position, do one or more of the following:
 - a) provide a report to Council seeking direction on the matter or as information for Council's deliberations on the matter which has given rise to the Statement of Position;
 - b) consider the Statement of Position in making administrative decisions on any matter which has given rise to the Statement of Position;
 - c) implement the request contained in the Statement of Position; or
 - d) not implement the request contained in the Statement of Position.
- 5.0 The Manager, Legislative & Legal Services and the Department Manager will, within their respective areas of responsibility, communicate with the representative for those persons submitting the Petition or Statement of Position to advise of Council meeting dates, report recommendations, actions or decisions which are made or taken as a result of Petitions or Statements of Position.