



CITY COUNCIL

**Monday, July 22, 2013
5:30 PM**

Henry Baker Hall, Main Floor, City Hall



Office of the City Clerk

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**Agenda
City Council
Monday, July 22, 2013**

Open With Prayer

Confirmation of Agenda

Administration's Reports

- | | |
|---------|--|
| DE13-84 | Colin Stewart: Wastewater Treatment Plant Petition For Referendum – 2013 |
| DE13-85 | Maureen McKenzie: Waste Treatment Plant Petition |
| DE13-86 | Christina Mickleborough: Wastewater Treatment Plant Petition For Referendum – 2013 |
| DE13-87 | Chad Novak: WWTP Petition - Call for Resignations |
| DE13-88 | Devon Anderson: Wastewater Treatment Plant Petition For Referendum – 2013 |
| DE13-89 | Jim Elliott: CM13-2 - Wastewater Treatment Plant Petition For Referendum – 2013. |
| DE13-90 | Jim Holmes: The City Clerk Report and the Wastewater Treatment Plan Petition |
| DE13-91 | Sean Tucker: Wastewater Treatment Plant Petition |
| DE13-92 | Bob Ivanochko: Petition on the Wastewater Treatment Plant |
| DE13-93 | Jessica Wood: Wastewater Treatment Plant Petition |
| DE13-94 | Matthew Mickleborough: Wastewater Treatment Plant Petition For Referendum – 2013 |
| DE13-95 | Florence Stratton: 24,361 Reasons to Hold a Referendum |



Office of the City Clerk

DE13-96	Jeannie Mah: The Public Trust + The Water Petition
DE13-97	Paul Gingrich: Wastewater Treatment Plant Petition For Referendum – 2013
DE13-98	Phil Johnson: Wastewater Treatment Plan Petition
DE13-99	Gloria Bamford: Wastewater Treatment Plant Petition For Referendum – 2013
DE13-100	Bill Clary: Wastewater Treatment Plant Petition For Referendum – 2013
DE13-101	Catherine Gibson: Wastewater Treatment Plant Petition
DE13-102	Carl Cherland: Petition
DE13-103	John Hopkins: Wastewater Treatment Plant Petition for Referendum – 2013
DE13-104	Evangeline Godron: Waste Water Treatment Plant Petition
CM13-2	Wastewater Treatment Plant Petition For Referendum – 2013

Recommendation

That this report be received and filed.

Adjournment

Good evening Your worship, members of city council, and city administration. My name is Colin Stewart, and I represent myself as a tax paying citizen of Regina.

I have been following, with interest, progress towards construction of a new waste water treatment plant over the past few months. I have been frustrated by misleading information and scare tactics provided by Regina Water Watch. I have been encouraged to hear that the clerk's office has done due diligence with the petition.

I wish I could say that we all agree a new sewage treatment plant is required. Unfortunately, there is a small minority of people who claim we really don't need it, and should not be spending money to build it. Interestingly enough, they have also signed the petition that is before you this evening.

For their benefit, I would like to share with you some reasons that I believe we need the new plant. First and foremost, our current plant is nearing end of life. We all know this. Many of us were frustrated last summer with the foul odour hanging over Regina. Even Mayor Fiocco, who lives in the path of this odour, was upset by it. Many of us, because of this odour, spent last summer indoors, with our windows closed. While the problem was solved in the fall, I'm left wondering what will break down next.

The plant will obviously need significant, and costly, maintenance in the very near future. The longer we delay building a new plant, the more we will have to spend on repairs and maintenance to the old plant. In a city where many people are questioning whether money is being spent wisely, and many of those have signed the petition, further delays cause me confusion.

Our current plant is releasing pollution, particularly nitrogen, into downstream waterways. One of those, Pasqua Lake, has been in the news recently due to high levels of blue-green algae, caused by nitrogen released from our sewage treatment plant. According to local media, Pasqua Lake contains more pollution than the Great Lakes did when they were cleaned up nearly thirty years ago.

Delays will also cost money. Over a four year delay, the projected cost nearly doubled. How much more will the cost increase as we delay construction further? Some of those costs include the cost of maintaining our current plant, increased construction costs, increased costs of cleanup of downstream waterways, and the cost of reduced property values downstream.

I'm sure you are wondering why I am talking about delays, when all we are really dealing with is the petition. Well, this petition has already delayed construction by three months, and, if it is accepted, and a referendum held, will delay the process a further six months.

The question is, is this petition valid? Does it have enough signatures? The province seems to think that the threshold being based upon the 2011 census is sufficient, even though our population has grown by ten percent since then, and health card numbers could give a more accurate representation of the true population of Regina. The dictionary does, indeed, define date as including the year. This is the first, and most commonly accepted, definition of date.

Since the cities act does not stipulate that the year must be included, or for that matter that it need not be included, I submit that removing signatures that do not include the year only serves to remove questions regarding validity, and is a wise move. As for phoning people to verify their signatures, the cities act does allow for verification of a sample of signatures. The fact that the story revealing that these phone calls were being made was commented on by a reader that he had not actually signed the petition raises questions in my mind. Are all of these signatures really valid? Should the ones who cannot be verified by telephone be removed? I consider doing so to be insurance against invalid signatures.

You may also be wondering whether I signed the petition. The answer is simply no. If my name is on it (and I am wondering if it is), I did not sign it. I am in full support of using a P3 to construct the new plant. We are not privatizing the plant, as some say we are. No jobs will be lost, as some claim will be. Workers will have the same, if not better, qualifications as they do today. Effluent quality will not be negatively affected. It should be common knowledge that safeguards have been put in place to protect against these concerns raised by the petition organizers.

Thank you. I now welcome any questions you may have.

Mayor Fougere, Councillors and Citizens

I am deeply distressed by the unprecedented encroachment on the democratic rights of citizens by City of Regina officials when dealing with the waste water treatment plant petition. Signatures not including the date in the year were disallowed. Petition signatures were only collected in the 90 day period running from March 22 to June 20 2013, as is clearly stated in the declaration handed in to the City Clerk with the petition signatures.

I also object to the phone messages requiring a response within three days if one didn't want one's signature to be removed from the petition. These calls occurred during the summer, when many people are not home and might not be checking their messages. Many folks are also on vacation. And what about all the folks with cell phones? Are they getting called? Or is it only land line users who are being harassed?

Furthermore, I am shocked that the City Clerk asked the province to raise the number of signatures required to force a referendum just days before the petition was due to be handed in to City Hall. What would you think if the coach of the Calgary Stampeders asked the CFL to move the goalposts just when the Roughriders were about to score a touchdown?

24,232 Regina citizens signed the petition, more people than voted for Mayor Fougere in the last election. Some of them signed because they have grave concerns about Council's decision to use the P3 plan for our waste water treatment

plant. Others signed because they think citizens should have a say on this issue. In their view, too many decisions are being made in this city without consulting the electorate.

An apology is in order to those 24,232 citizens who signed the petition. The handling of it by City officials was both mean-spirited and high-handed.

Submitted electronically

"Maureen Mckenzie"

Mayor and Council,

I am addressing you about the recent rejection of the overwhelmingly supported P3 petition. I signed the petition, but honestly the matter is no longer about our waste water system- it is about democracy.

Mayor and council has maintained that the city clerk who rejected the petition is completely independent. If this is the case, then it is now your job to green light the referendum. If you do not, I can only urge your immediate resignation because of your disrespect for the citizens of Regina and democracy.

What is happening here is criminal. You have tried multiple times to get in the way of this petition (see: appeal to provincial government to change number of signatures required). Why are you so scared of engaged citizens? It is your job to represent the citizens of Regina. It doesn't matter an iota if all of city council unanimously agrees that P3 is the best option, and that the sky is blue- if the citizens of Regina say they don't want P3 and that the sky is pink, you have to represent that.

It almost brings me to tears how undemocratic and underhanded this is. Is this what you want your legacy to be? This undemocratic behaviour is the gateway to worse things- will our votes count during the next election? Or will we just be allowed to vote but then city clerk will pick whichever mayor she choses? Regina is now the laughing stock of Canada and the rest of the free world.

And this business about the date is nonsense. If I tell you today is July 22nd, are you suddenly confused about what year it is? This is the most pathetic display of corruption our city has witnessed. Are you afraid of time travel? You must know in your heart of hearts that this is total malarky. I guarantee you that the citizens of Regina will not stand for being completely disrespected in such a fashion.

If you want to save any face, reject the city clerk's decision.

Thank you for coming to your senses.

I look forward to hearing back from you soon

Thanks,
Christina Mickleborough

Good evening members of City Council, City Administration, Regina Taxpayers, Regina Media:

My name is Chad Novak, and I am here representing myself, a taxpaying citizen of the City of Regina. I am here this evening to address the issue of democracy. Furthermore to the fact that the **P3 Wastewater Petition** had been submitted with 24,361 signatures, even after the Regina Water Watch folks had gone through to remove pages of signatures based on the fact that they felt one or two signatures may be deemed invalid or incomplete. To me, they went above and beyond the call of duty, not only in gathering *thousands* more signatures than are required by provincial legislation, but also removing entire pages of valid signatures, even if it was just one signature that they felt would be deemed invalid. Not to mention the months of hard work and dedication of these volunteers, on their own accord, to abide by the severely outdated protocol of requiring handwritten petitions to be completed, even though we are in a day and age where technology rules our worlds, and online petitions are now the norm. I can empathize with their plight, as I was involved with the Stadium Petition, and I can assure you, that is no easy task.

Tonight, I am sure you will be hearing from many individuals on this subject, so I will try to avoid duplication of subjects that I am sure others will touch on.

First of all, I would like to make notice that, in my opinion, the City of Regina has set many precedents in recent years demonstrating that they are not willing to abide by the democracy that we understand it to be, and continue to ignore the will of taxpayers, regardless of how valid their case is made. I could get into specifics, but I would probably be called out of order, so I will simply list them here, and if you choose, you can ask me for further clarification afterwards. These include the *Regina Revitalization Initiative, City Square Plaza project, the Curbside Recycling project, Regina Affordable Housing Crisis, Rooming Housing Fines/Jailtime, Regina Housing issues, Approval of Condo Conversions and Demolition of Affordable Housing complexes, applying for and approving requests to allow Excessive RECORD Debt for Wants instead of Needs, Needless Land Annexation, Water Rates skyrocketing for City Residents, Increased Water*

Rates and Unreasonable Surcharges for “extra-municipal developments”, Deplorable Road Conditions, Ongoing Construction projects that last 2-3x longer than expected, Regina Transit shortfalls, Civic Pension Shortfall, Potential for Bankruptcy, Design Regina consultations, Poor Planning and Foresight, and more. These are just a few of the reasons I feel that I have been forced to pursue legal action against the City of Regina, including, at minimum, the City’s Executive Leadership Team. *Notice of this pending action has been provided to you in May of this year.*

Now, speaking specifically to subverting democracy in regards to the P3 WWTP Petition, it should be without question that *I am opposed to the findings of the City Clerk’s office*, for many reasons. First and foremost, the fact that 2,834 signatures were deemed invalid, *simply because they didn’t include the year 2013.* To me, this is the most *ridiculous* and *disgusting* display of abuse of power that I have been witness to from the City of Regina’s Council or Administration in recent memory. To go to the extent of pleading ignorance of what date the signatories intended by their signature, simply because they allegedly didn’t include the year, is *a kick in the teeth to those nearly 3,000 taxpaying residents that signed in good faith that the City of Regina would take their intentions seriously.* Surely common sense must come into play in this situation, as it is pretty obvious *it would be physically impossible for anyone to sign this petition in any other year than 2013,* given that the content wasn’t even available to the general public until 2013.

During the course of the validation process, it was discovered that the City Clerk's Office had been *calling* people to verify the exact information that is already contained on the petition. *This step is completely unnecessary,* as in the Cities Act, Paragraph 107(1)(b), it clearly states that “*By signing the petition, the petitioner is attesting to the fact that he or she is an elector of the city and has not signed the petition before.*” Thus, to call anyone that has signed the petition is, in my opinion, not required and possibly a **violation of Section 107 of the Cities Act.**

Section 107 is pretty clear, as well, that, *by signing the petition, you are attesting that you are indeed a valid voter,* and you have not signed the petition before.

Requirements for petition

107(1) A petition must consist of one or more pages, each of which must contain:

- (a) an identical statement of the purpose of the petition; and
 - (b) a statement to the effect that, by signing the petition, the petitioner is attesting that he or she is an elector of the city and has not previously signed 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 petitioner's residential or postal address, or, in the case of a petitioner who resides outside the city, the street address or legal description of the land located within the city on which the petitioner's right to be an elector is based; and
 - (d) the date on which the petitioner signs the petition.

Based on the legislation, *the simple act of signing the petition should be deemed enough evidence by the Clerk's office that they meet all requirements.* All the Clerk's Office should be allowed to do - *if they choose to ignore SS 108(3)* - is call to verify people *actually signed the petition (YES/NO).*

ONLY IF THEY HAVE A LEGAL CONCERN should they be applying to the COURTS to *challenge if a signatory is invalid.*

Furthermore to calling to verify signatures, as per SS 108(3) & SS 108(4) of the Cities Act, *verification can only be done by EITHER verifying every single signature on the petition OR using a random sample of signatures to determine the sufficiency. NOT BOTH.*

The Cities Act very clearly states in SS 108(4):

*"the Clerk may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, **INSTEAD OF VERIFYING** that the requirements of SS(3) have been met with respect to each petitioner."*

Counting petitioners

108(1) The clerk is responsible for determining if a petition is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the clerk.

(3) In counting the number of petitioners on a petition, the clerk shall exclude the name of any 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; or

(f) who signed the petition before the date mentioned in clause 107(4)(c).

(4) A clerk may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner.

2002, c.C-11.1, s.108; 2003, c.18, s.20; 2007, c.20, s.10.

Since it would appear that the City Clerk's Office used both SS108(3) AND 108(4), *they are in clear violation of the Cities Act*.

Also, *it should be noted that an address is deemed "complete" by including the Street Address only (no City or Postal Code required), or alternatively a Post Office Box Address. Jim Nicol has stated to me that this was one of the main reasons the Clerk's Office felt the need to call people, to confirm their street address is actually in Regina. Again, this is an unnecessary step, based on the petitioners' attestation as per Section 107.*

Finally, tonight, if you do choose to accept the City Clerk's recommendation, and deny taxpayers to have their say, I would like to call for the resignation of the entire City of Regina Executive Leadership Team, Legal Team and City Clerk's Office. This is due to their continued displays of incompetence in their given roles.

Thank you for your time, and I will now open the floor to any questions you may have.

Thank you to the City Council for providing me with the opportunity to participate in the democratic process for the City of Regina, and thanks also to the City Clerk for the processes she followed leading up to the deadline for the petition being submitted and for her report. Along with many others, it has inspired me to read portions of the City Act for the first time. This is also my first presentation to City Council.

I share the concerns raised by many about the methodology used by the City Clerk to reach the conclusions in her report. Although not a lawyer, it seems quite clear to me that Section 108 of the Act indicates an either-or method of arriving at the final count, not both: either the clerk excludes persons who do not meet specific criteria, such as date, signature, address, lack of witness OR the Clerk may use a random sampling method.

It certainly does not imply to me that both are acceptable - but then, I only became really involved in this process after I heard that the City Clerk had asked the Government to agree to allow the City to use numbers based on health cards rather than based on the last census numbers. I wondered then, and even more so now, why it is so important to not have a referendum.

I urge the Council to remember that as elected officials you are all accountable to all of us, the citizens of this city, not just those who agree with you. Since the Council vote was unanimous to go ahead with a P3 process, I assume that you all think it was the right decision. If so, why be reluctant to give us the reasons? Go ahead with the referendum which will provide you the opportunity to tell us why it's the best route to go. Be open and accountable. Give us information as to why this is needed.

I encourage you to take the high road, and have the referendum - you can make that call in spite of the Clerk's report. Many people who signed this petition may have also voted for you - to ignore the desire of 24,000 engaged citizens is not a wise move. It just makes 24,000 citizens wonder what is being hidden.

And by the way, just to clarify, I'm not a City employee, a CUPE member nor a CUPE employee - I'm just a concerned Regina taxpayer with a long memory, one who always votes.

Submitted electronically

"Devon Anderson"



July 22nd

If the people of this city cry for a voice in the decision about the future of their city, will they be heard?

Good evening, my name is Jim Elliott. I am Chairperson of the Regina Chapter of the Council of Canadians. Our organization was involved in the forming of Regina Water Watch and we provided education and information around the P3 option for the Waste Water Treatment Plant replacement to the citizens of Regina. I signed the petition.

What have we heard? We have heard that the federal Conservative government will only give money to municipalities who support the P3 model. We have heard the Federation of Canadian Municipalities call to have the support for infrastructure un-tethered so that the people of the country can have their choice respected and supported.

We have heard from this Council that we should trust their statements that this project will save the taxpayers of this city tens of millions of dollars over the 30 year contract. Yet, this Council will not support a transparent discussion of their assertions by allowing the numbers speak for themselves and be challenged on their assumptions.

The taxpayers have heard of the problems with other P3 projects in Canada and abroad and don't want to be burdened with the same problems or go down that road leaving future generations with the costs of their decision.

The taxpayers have heard of the actions of this Council to significantly increase fees to out of town users of our water system without consultation and without dialogue.

So, as taxpayers, it is their right to be heard on this matter, right?

So what are taxpayers to do?

One option is to have 10% of the residents sign a petition to ask for a referendum on the path that City Council has suggested we take. That said, 19,310 signatures of voters were needed.

Point 1

According to the Cities Act, the signatures on the petition must be accompanied with a printed first and last name, an address and a “date on which the petitioner signs the petition”¹. “Each signature must be witnessed by an adult person who shall sign opposite the signature of the petitioner”². I personally witnessed over 150 signatures.

The City Clerk may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner.

The problem that I see is that the City Clerk has, with her analysis, incorrectly and in an inappropriate way, used the statistical sampling method to invalidate signatures.

Subsection (3) only applies to

- 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 in all the other pages of the petition
- c) whose printed name is not included or is incorrect,
- d) whose street address is not included or is incorrect,
- e) if the date when the person signed the petition is not stated or
- f) who signed the petition before the date mentioned in clause 107 (4) (c)³.

The City Clerk is effectively using an inappropriate method to eliminate signatures. The City Clerk cannot disqualify signatures if all of the required parts of the signature are there.

With all due respect, the City Clerk has stepped beyond her authority. According to her numbers, there was sufficient numbers, i.e. 20,072, after taking away signatures that did not pass subsection (3). By coming to the conclusion of 20,072 at that point, the City Clerk herself declares that she has gone through and verified the signatures and does not need to go through a further statistical sampling method to again verify the number of signatures.

Point 2

Under *The Cities Act*, the petition signature must be accompanied with “the date on which the petitioner signed the petition”⁴. There is no specific direction in *The Cities Act* as how that date shall be presented.

¹ *The Cities Act*, 107 (2) (d)

² *The Cities Act*, 107 (3)

³ *The Cities Act*, 108 (3)

⁴ *The Cities Act*, 107 (2) (d)

So the actions of the City Clerk to take one option of date, that being one that includes the year is, in my mind, only one interpretation of the legislation. One could take the day and month on the petition as another interpretation of the legislation and therefore include them in the sufficiency test of the petition. Therefore it is my assertion that it is inappropriate to take one interpretation over another. Without guidance in the legislation, one must begin with the broadest interpretation of *The Cities Act* and that is to include the signatures.

All of the signatures were dated within the petition period because the petition was not available prior to the beginning of the period, March 22nd, World Water Day. The petitions were submitted to the City Clerk on June 20th, within the 90 day petitioning period. I was there on both occasions and can verify these two events.

This, in my opinion, means that the petition has 2,834 more valid signatures, or 22,906 not the lower number stated in your report.

I therefore make the following demand:

That you state that the petition before you is sufficient and

That a referendum with the petition question be put to the taxpayers of Regina quickly so that the future plans for the waste water treatment plant can be determined and built prior to the requirements of the Government of Canada.

Respectfully submitted,

**Jim Elliott, Chairperson,
Regina Chapter**

**PRESENTATION OF REGINA WATER WATCH
TO REGINA CITY COUNCIL
CONCERNING THE CITY CLERK REPORT
AND THE WASTEWATER TREATMENT PLANT PETITION
JULY 22, 2013**

My name is Jim Holmes. It is a great honour to speak to you today, July 22, 2013, as the representative of the 24,231 Regina citizens who signed the Wastewater Treatment Plant Petition in 2013. The petition is an inspiring example of citizen involvement. It does not matter whether we support or oppose the privatization¹ of the wastewater treatment plant. All citizens can be proud.

It is also a sad day. I need to speak to a document that is an affront to the citizens of Regina.

City Council does have the authority to call its own referendum.² We suggest the only honourable way to heal the damage you have done, is to conduct a binding vote on the question signed by the petitioners.

You also need to release all the information you are keeping secret about the business case for privatization.

We know your consultant, Deloitte advised you to cut corners in the Wastewater Treatment Plant P3. Whether you did cut corners, or not, is part of the information you will not release to the public.³

You cannot cut corners now on letting the citizens have their vote.

The City Clerk is your employee.⁴ She is hired or fired only by a vote of Council. You are responsible for the actions of the City Clerk.

The Mayor and the City Clerk say the petition failed because it did not meet the requirements of the *Cities Act*.

We say the Clerk's Report does not meet the requirements of the *Cities Act*.

30 DAYS

The Clerk's Report was not made to Council within 30 days of the filing of the petition on June 20, 2013. ⁵ Today is July 22, 2013, 32 days later. Your only agenda item to day is to vote to **receive** and file the Clerk's report.

Council did meet in camera on July 17, 2013, but the Mayor was very clear at his media conference that he did not see the Clerk's Report. Council only had a "high level" discussion then. The Mayor said there wasn't even much time to ask questions.

Would Regina Water Watch be allowed two extra days to submitted our petition?

VALIDATION OF THE SIGNATURES

The Cities Act requires:

108 (3) *In counting the number of petitioners on a petition, the clerk shall exclude the name of any person:(the numbers not counted are added)*

- . (a) *whose signature is not witnessed; 4*
- . (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; 0*
- (c) *whose printed name is not included or is incorrect; 455*
- (d) *whose street address or legal description of land is not included or is incorrect; 434*
- (e) *if the date when the person signed the petition is not stated; or*
- (f) *who signed the petition before the date mentioned in clause 107(4)(c).*
- (e) & (f) **3416/582.**

This left 20,072 signatures according to Clerk's Report. Or 22,906 if we count the signatures without 2013 in the date.

The petition meets the requirement of the Act of 10% of the population of the latest census (2011) or 19,310 signatures.⁶

The petition is valid.

INSTEAD DOES NOT MEAN ALSO

Unfortunately at this point the Clerk decided to start a second process of verification by random sample.

In our opinion, this was illegal.

*108 (4) A clerk may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, **instead**⁷ of verifying that the requirements of subsection (3) have been met with respect to each petitioner.*

RANDOM SAMPLING THE WRONG SECTION

The random sample is only to be applied to requirements of the **Section 108** (same purpose statement, name, address, date, witness)

The Clerk wrongly applied random sampling to the requirements of **Section 106**.

106 (2) Only electors of the city are eligible to be petitioners.

An elector must be a Canadian citizen, 18 or older, and a resident or a landowner in Regina.⁸

These requirements are met by an attestation.

106 (3)(b) a statement to the effect that, by signing the petition, the petitioner is attesting that he or she is an elector of the city and has not previously signed the petition

Above the signatures on the Wastewater Treatment Plant Petition was the following bolded attestation. **By signing this petition, the petitioner attests that he or she is a Canadian citizen and is 18 years of age or more and an elector of the City (a resident or property owner of Regina) and has not previously signed the petition.**

The attestation content is very similar to the one voters sign in a municipal election. Voters are required to produce identification for identity and residence. Voters are often not required to produce evidence of age or citizenship.⁹

The Clerk's unauthorized application of random sampling to Section 106 did indeed uncover some shortcomings. Random sampling has not been applied to poll books, even in recounts as close as 36 votes. Such examination might produce a similar level of shortcomings.

It is important to remember the petition does not decide the question. It gets citizens a vote. When we vote on the referendum, the normal process will then be used to reasonably ensure only qualified citizens vote.

The random sampling was only to be used **instead** of examination of every signature. Once that first examination was complete there was no legal reason to phone any petitioner. Petitioners were not required to provide phone numbers.

The phoning was an invasion of the petitioners privacy. It was totally inappropriate.

Worse the Clerk threatened petitioners with having their name withdrawn from the petition. She actually carried out this threat for six citizens.¹⁰

2013

The requirement to have the year in the date is not a requirement of the Act. It was inserted by the Clerk as the result of her consultation with a dictionary.

“In the act which governs petition in Saskatchewan it states: ‘the petition must indicate the date on which the petitioner signed the petition.’ • But Swidnicki said there is no real definition of what ‘date’ meant. • ‘I went with the definition out of the dictionary which is that it needs to include the day, month, and year.’ ” *Newstalk 650 CKOM June 28, 2013*

There are many dictionaries. Most do not contain the explicit inclusion of year that the Clerk found. Most say day of the month **or** year¹¹

Water Watch twice wrote the Clerk that all signatures were gathered in 2013¹²

QUESTIONS ABOUT THE PETITION

107(4) The petition must have attached to it a signed statement of a person stating: (a) that the person is the representative of the petitioners;

(b) that the city may direct any inquiries about the petition to the representative;

The Clerk never directed any inquiries to the representative of the petitioners. She stopped communicating to Water Watch except by media statement after June 27, 2013. She stopped making any media statements about July 15, 2013.

THE SIGNATURE THRESHOLD

Jim Reiter, Saskatchewan Minister of Government Relations wrote to the Regina City Clerk June 18, 2013 denying her request to increase the number of signatures required.

“Authorizing the use of alternative higher population figures for the purposes of validating a petition might unfairly impact the sufficiency of the petition, and I believe would not be a proper exercise of my discretion.”

REGINA’S SHAME

The actions of the City Clerk have brought the entire City of Regina into disrepute. All of us who live here suffer from her actions.

We have listened to thousands of citizens. Now citizens are telling us they do not believe the City Clerk is acting independently. They believe she is being instructed or influenced to behave in this fashion. These citizens include lawyers, university professors, senior public administrators, reporters, and many other citizens.

It does not matter what I believe. Our problem, everyone in this Chamber’s problem, is what our fellow citizens now believe.

You can repair Regina’s reputation. You can only do that by releasing all the information about the business plan for the privatization of the wastewater treatment plant.

You must order a binding referendum on the resolution contained in the petition.

You cannot cut corners.

Nothing less will allow us to put this sorry chapter of our history behind us.

ENDNOTES

References from the *Cities Act* are all italicized.

All other references have the source italicized.

¹ **privatization**, transfer of government services or assets to the private sector. State-owned assets may be sold to private owners, or statutory restrictions on competition between privately and publicly owned enterprises may be lifted. Services formerly provided by government may be contracted out.

Encyclopedia Britannica

Privatization, also spelled **privatisation**, may have several meanings. Primarily, it is the process of transferring **ownership** of a **business**, enterprise, agency, public service or public property from the **public sector** (a government) to the **private sector**, either to a business that operate for a profit or to a **non-profit organization**. It may also mean government **outsourcing** of services or functions to private firms, e.g. revenue collection, law enforcement, and prison management.[1]

Wikipedia, the free encyclopedia

Privatize

: to make **private**; *especially* : to change (as a business or industry) from public to private control or ownership

Merriam Webster

² ***Referendum initiated by council***•

105(1) A council may submit any proposed bylaw or resolution, or alternative proposed bylaws or resolutions, to a referendum.

Jamey Burr

From: Jamey Burr
Sent: Friday, November 02, 2012 3:04 PM
To: Carol Beaulieu
Cc: Rob Mackay; Naresh Debidin; Desiree Farmaner
Subject: Priorities
Attachments: Weekly Nov 5-9.doc

Attached are next week's priorities.

Key Information on Round Four projects from the past week:

Regina – Sandra attended the risk workshop meeting this week and also met with project team members to discuss progress. Staff are positive about the new council and believe there will be support when the P3 business case is presented to them in the new year for a decision on the procurement approach. She did note some concerns in that Deloitte is advising the City to cut corners on the market sounding, whereas we feel there is a need to discuss issues like the transfer of 30 City staff to projectco, and the integration risks associated with taking over the operation of the existing facility. Sandra will follow up with the City and Deloitte on these issues. The business case will be sent to us in draft by January and presented to council in February. Sandra is working with the City to identify tasks that are eligible for PDF.

Calgary – Dale spoke with Travis Gaede to follow up from the October kick-off meeting. He is giving advice to Travis on getting the project charter and governance model in place, and redrafting the critical path.

Metro Vancouver – Gary, Yousef and I are in regular contact with Metro. They are issuing an RFQ next week to identify technologies. We were able to review the RFQ and informed them that it would be more appropriate to issue an RFI if the goal is to identify possible technologies. Metro is resisting our advice, largely because of the strong political direction they are getting from elected officials. At present, Metro thinks it will be issuing an RFP in 2014 with multiple sites, multiple technologies, one or more projects, and with some of the sites not in the Metro Vancouver region. We will have much to discuss at the Nov 16 kick-off meeting about best practices in planning and procurement.

Winnipeg – Gary spoke with the City. A decision has been made to pursue the bus rapid transit approach rather than light rail, which means the capital costs will be in the \$200M range rather than \$700M. Work continues on identifying the right of way. Gary will assist Winnipeg to structure an RFP for P3 business case advisors. The City and Province have not identified any capital funding yet.

Huronario LRT – Errol has obtained considerable background on the asset business case work underway and is advising Mississauga on an RFP for P3 business case advisors. The resolution of our discussion about the eligibility of PDF for municipalities that use I/O as a business case advisor will be important, as I/O is one option for this project. Of note is that Mississauga and Brampton have a cooperation agreement that could be used as a best practice in future projects involving multiple municipalities.

Jamey Burr
 Director, Business Development
 PPP Canada Inc.
 100 Queen Street, Suite 630
 Ottawa, ON K1P 1J9
 613-992-4508
 613-796-2420 (cell)

⁴ ***Appointment, suspension and revocation***•

87(1) The appointment of a person to the position of commissioner or manager, clerk or as a full-time city solicitor may be made, suspended or revoked only if the majority of the council vote to do so.

⁵ ***Report on sufficiency of petition***•

109 (1) Within 30 days after the date on which a petition is filed, the clerk shall report to the council on whether the petition is sufficient or insufficient.

⁶ ***Petition for referendum***•

106(1) If a council receives a petition signed by the number of electors equal to 10% of the population of the city requesting a referendum for a bylaw or resolution on any matter within the jurisdiction of the council, the council shall submit the request to a vote of the electors in a referendum held in accordance with this section and sections 107 to 112.

Interpretation

2 (1) In this Act: (y) ***“population”*** means population as determined in accordance with the latest census taken pursuant to the Statistics Act (Canada) or by any other means that the minister may direct;

⁷ ***Instead***

adverb

as an alternative or substitute:

Oxford English Dictionary

: as a substitute or equivalent

Merriam Webster

used for saying that one person, thing, or action replaces another

Macmillan Dictionary

⁸ **Eligibility to vote•**

23(1) Every person is qualified to be registered as an elector in a municipality or school division (a)who is a Canadian citizen on the day of the election;•who is of the full age of 18 years on the day of the election; (b)who, on the day of the election:(i) in the case of a municipality, other than a resort village, has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election and:(ii) (A) has resided in the municipality, or on land now in the municipality, for at least three consecutive months immediately preceding the day of the election; or(B) is the owner of assessable land situated in the municipality, or of land now situated in the municipality, for at least three consecutive months immediately preceding the day of the election; *The Local Authorities Election Act*

⁹ **Evidence of identity and residence**

76.2An elector shall:

(a) provide to the deputy returning officer and the poll clerk the following evidence to prove his or her identity and residence:

(i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and address; or

(ii) two pieces of information prescribed in the regulations, each of which establishes the elector's name and at least one of which establishes the elector's address; or

(b) establish his or her identity and residence in accordance with the procedures prescribed in the regulations. *The Local Authorities Election Act.*

¹⁰ *106 (2) No name may be added to or removed from a petition after it has been filed with the clerk.*

The petitioner should be advised that by refusing to verify their information, their name will have to be withdrawn from the petition.
(Verification Process Step 5)

¹¹ **Date***noun*

1 the day of the month **or** year as specified by a number: *what's the date today?* (emphasis added)

Oxford English Dictionary

the name and number of a particular day **or** year (emphasis added)

The date on the report is 24 October, 2005.

today's date: *'What's today's date?' 'The 25th.'*

Macmillan Dictionary

The day of the month **or** year as specified by a number. (emphasis added)

GOOGLE

n.

1.

a. Time stated in terms of the day, month, **and** year. (emphasis added)

b. A statement of calendar time, as on a document.

2. A specified day of a month. (emphasis added)

The Free Dictionary by Farlex.

¹² "The first signature was obtained on March 22, 2013.

The petition was delivered on June 20, 2013."

*STATEMENT OF JAMES A HOLMES CONCERNING WASTEWATER TREATMENT
PLANT PETITION SECTION 107(4)THE CITIES ACT*

June 20, 2013

"To begin; We object most strenuously to your intention to strike any signature which does not contain the year in the date. The petition document was created in late March 2013 and all petitions were submitted to the City on June 13. The petition itself refers to events which took place in 2013. There is no possible ambiguity in the year in which the signature was obtained.

Some lines in the petition contain "ditto"marks" in the address or date line. The sense of these petitioners is clearly discernible from the line above.

Many petition sheets were all signed on the same day. If there is any ambiguity we would be happy to discuss the appropriateness of the inclusion of these signatures in the total.” *Jim Holmes to Joni Swidnicki email June 27, 2013.*

Presentation to City of Regina Council

July 22, 2013

Sean Tucker

Dear Mayor Fougere and Councillors:

Last Friday I wrote to you to express my disappointment with the City Clerk's decision regarding the petition for a referendum on the funding model for the proposed waste water treatment plant.

I have carefully read over the relevant sections of *The Cities Act* (hereafter, CA) and the entire City of Regina Clerk's report (CM13, July 22, 2013), in which the Clerk provided a rationale for determining the petition is insufficient.

I believe the Clerk has misinterpreted two sections of the CA and, in doing so, come to an incorrect conclusion about the sufficiency of the petition.

1. Incorrect counting process

First, the Clerk has misinterpreted the process for counting petitions as outlined in Section 108 of the Cities Act. On page 2 of her report, the Clerk states:

"In accordance with Section 108 of The Cities Act, during the initial counting phase 4,289 were stricken from the petition. The City Clerk has no discretion in this regard as the Act clearly states in this section that names of petitioners shall be excluded as follows [...]."

On the same page of her report, the Clerk notes:

"As one of the requirements for signature on the petition is that only electors of the City are eligible to be petitioners, a random sampling of petitioners was undertaken as outlined in The Cities Act Section 108(4) [...]."

Section 108 of CA states:

Counting petitioners

108(1) The clerk is responsible for determining if a petition is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the clerk.

(3) In counting the number of petitioners on a petition, the clerk shall exclude the name of any 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; or
 - (f) who signed the petition before the date mentioned in clause 107(4)(c).
- (4) A clerk may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner.

Contrary to the Clerk's statement that she had "no discretion" in how to count petitioners, the CA gives a clerk a choice between two methods. Note that Section 108(4) explicitly states that the random sampling method can be used "instead of verifying that the requirements of subsection (3)" (emphasis added). Nowhere in the CA does it state that a clerk can use both methods for counting petitions. It is either the process prescribed in subsection 3 or the process in subsection 4, but not both. Therefore, it is inconsistent with the CA for the Clerk to describe subsection 3 as an "initial counting phase."

The Clerk's justification for using the random sampling method after using the method in subsection 3 is that she needed to determine who among the petitioners are electors. Notwithstanding my previous argument that a clerk is not permitted to use both methods for counting petitioners, the sections of the CA related to petitions (see sections 106-112 inclusive) do not provide the Clerk with other methods for determining whether petitioners are electors. Rather a petitioner claims they are an elector by providing the information required in the CA on a petition including their signature. Furthermore, individuals are witnessed when they sign a petition.

In conclusion, the CA gives a clerk a choice between one of two methods of counting petitioners. The method the clerk initially used is outlined in section 108(3). As a result of this procedure 20,072 signatures were found to be valid. The threshold for a successful petition is 19,310, therefore it would seem that this petition is sufficient.

2. Exclusion of 2,834 names of petitioners that did not indicate a year of signing

Second, I believe the Clerk has misinterpreted Section 108 (3)(e) of the CA. Here again is section 108:

Counting petitioners

- 108(1) The clerk is responsible for determining if a petition is sufficient.
- (2) No name may be added to or removed from a petition after it has been filed with the clerk.
- (3) In counting the number of petitioners on a petition, the clerk shall exclude the name of any 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; or
- (f) who signed the petition before the date mentioned in clause 107(4)(c).

On page 2 of her report, the Clerk states:

“In accordance with Section 108 of *The Cities Act*, during the initial counting phase 4,289 were stricken from the petition. The City Clerk has no discretion in this regard as the Act clearly states in this section that names of petitioners shall be excluded as follows [...] Date is not stated or incorrect (of this number 2,834 had no year included)”

Section 108 (3)(e-f) of the CA instructs a clerk to exclude a petitioner “(e) if the date when the person signed the petition is not stated; or (f) who signed the petition before the date mentioned in clause 107(4)(c).” These subsections are intended to exclude petitioners who provide no date or a date before the official start of a petition.

A reasonable person would look at the 2,834 petitioners who did not provide the year in the date field of the petition and conclude that the petitioner provided a partial or incomplete date. However, the Clerk has determined that these dates were not stated or were incorrect. I find it difficult to conclude that a date was not stated (i.e., there was no date) or the date is incorrect (i.e., the date falls outside of the legal petition period as per Section 108(3)(f)).

In sum, I, like many other citizens, feel that the actions of the City Clerk have undermined the democratic process. The standard for validating a petition to instigate a referendum appears to be inconsistent with the CA.

Your Worship and Councillors, I ask you to give serious consideration to the arguments you have heard this evening and to honour the petition for a referendum on the funding model for the waste water treatment plant.

Thank you.

Sean Tucker
Regina, SK

Petition on the Wastewater Treatment Plant

Shame on the City Clerk and shame on the Mayor and city council if you accept the City Clerk's report as an objective statistical analysis of the validity of the petition. The method used by the City Clerk's office pretends to be an objective and statistically accurate attempt to analyze the petition for signatures by eligible voters and to eliminate those who are ineligible. That is a fair and reasonable thing to do. I am aware that some of the people who signed the petition are ineligible, and a statistical analysis is a reasonable way to analyze the petition without having to do a check on each of the signatures. That is not what the City Clerk's office has done.

I was one of many volunteers who collected signatures for the petition. In most cases I was able to confirm that the person signing was an eligible voter. This was not a bureaucratic process as in an election with paid clerks and desks with verification documents and the clerk writing down all the information except the signature. Most of the collecting was on the street or in public locations with wind and other natural complications. The petitions were usually signed on unstable boards so the clarity was often limited. My experience was that many people knew about the petition and were anxious to sign it and even though I usually tried to tell them how to fill in each column, many people guessed at what to write in the column or copied the format of the line above that might have been wrong. An example is that the signature may have ended up in the column for the printed first or last name. Sometimes both members of a married couple signed the petition. The first person put in the address, the next person put in ditto marks. I did not collect signatures in any other year either before or after 2013 so I did not tell people to write in the year as it was obvious. I was surprised how many people automatically included the year. It is not obvious from the City Clerk's report about what criteria were required for complete street addresses but I can imagine that this is also strictly interpreted.

I am trying to express that the analysis did not try to determine who was eligible to sign the petition but used methods to eliminate as many citizens as possible in order to invalidate the petition.

I suspect that my signature would be invalid as I doubt that I included the year when I wrote down the date. I might not have included my postal code.

Bob Ivanochko

28(1) Personal

Presentation to City Council
July 22, 2013
Jessica Wood

The issue at hand today is a citizen's petition calling for a referendum, and the city clerk's report that has rendered the petition invalid.

As other's have/will mentioned the city clerk has clearly used discretion in her interpretation of the City Act and she appears to show bias in this interpretation. I find it hard to believe that the level of scrutiny undertaken to invalidate signatures was initiated by a truly independent civil servant.

My primary concern is the process that has taken place, and comments made by Mayor Fougere following the public release of the clerk's report last Friday. I think these comments show a lack of respect for the people of this city, and our rights as citizens.

Last Friday afternoon, Mayor Fougere stated to the media that the statistical sampling method used by the City Clerk was "required under the Cities Act." Which is not accurate. When pressed on this point the mayor admitted on CBC Radio,

"Yes it is a choice, but if you look at the Cities Act it says that you can do that."

The key point here is that a statistical sample is useful in cases when you are not able to go through and validate each signature one by one. As is made clear by both the clerk's report and the mayor's own statements, this was already done. Why then was a statistical sample necessary? The only reasons I can see to follow up with a statistical sample is 1) if the clerk was unaware of Section 108 of the Cities Act or 2) if the clerk was not satisfied with the number of petitioners that were deemed invalid in accordance with subsection 3 of the Cities Act,.

Mayor Fougere acknowledged on Friday that after excluding the signatures that were deemed invalid due to issues with the date, there were still enough signatures to move forward with the petition. The mayor followed this with, "then they did the statistical analysis on that and that is how they brought it down."

When asked "how concerned are you that the will of the people is being ignored?" the mayor replied that there was "90 percent of the population who didn't sign it, and may well want to go and proceed with the current arrangement of a waste water treatment or sewage plant, their voice should be heard as well."

I want ask, is this response indicative of the mayor's understanding of what a petition and in turn a referendum is? If so, I see this as very problematic, as it is a misunderstanding of the democratic process. By signing this petition, individual residents were not voting for or against a P3 arrangement, they were asking for the

right to be consulted. A petition put forward requesting a referendum is one of very few options for citizens to participate directly in public decision making processes.

I am most concerned that the mayor views silence on the part of citizens as support for his position. I feel obligated to use my voice, for a second time, since the first time – when I put pen to a paper and signed my name to this petition – it was not respected by the City Clerk.

I ask the mayor and councilors to acknowledge that a significant portion of the population is requesting a voice in this debate. I ask you to take issue with the process and resulting Clerk's report and further accept the petition as valid and sufficient, and to move forward with the referendum processes.

Thank you.

Good evening to all parties present. My name is Matthew Mickleborough and I am concerned. This likely won't come as much of a shock to council, judging by what brought me here in the first place, but I truly - and at times very strongly - disagree with your policies. I believe in a different vision for Regina than what is taking shape within the confines of city hall. And you know what? I'll be honest. Sometimes it bugs me. I mean it really gets to me, makes me grit my teeth and curse, that what I believe are the best decisions and policies aren't the ones being enacted, but instead that a fairly diverging theory of Regina, my city, is the one slowly being built.

But you know what? At the end of the day I'm ok with that. Because I have to be. That's democracy. It sure ain't perfect but greater men than I have tried and failed to present a realistic, attainable, alternative. And the true beauty of it is that democracy thrives when dissenting opinions are brought together and forced to coexist. What that means, though, is that you won't always get your way.

Beliefs and opinions are elected in and out of office based on a city, or province, or nation's needs and desires at that moment in time. You, Regina city council, my city council, have just such a mandate right now to enact whatever policy you judge to be in our cities best interests. And I honestly wish you well in that pursuit. It is a thankless job. No matter what you do, you are gonna get weirdos like me trying to crawl up one side of you and down the other because you decided the lights at the outdoor rink just east off of Elphinstone should go out at 10:30 instead of 10:45 on alternating Saturdays while under a full moon. The point here is that no matter what policy you put in place, someone's ideology is going to be offended.

Except I am not here to talk policy, or political opinion. So let's just take all of our P3s and all of our wastewater treatments, wrap them up and set them aside. I'm here to talk about democracy and about you, my elected representatives, and how you are actually doing at your job, now elected, of representing your constituents. Here is what I see happening:

- Council approves of a new plan for city infrastructure.

- Some concerned citizens disagree.

- These citizens disagree so strongly about it that they decide to set into motion the most powerful legitimate, legal, and democratic recourse they have: The humble Petition.

- These citizens slap shoe to concrete for 90 days to try to drum up 10% of their fellow citizens signatures. Referencing previous municipal election turnouts, we know how tricky this can be.

- And let's be clear, this petition wasn't saying "burn the drafts, trash the proposals and fire those responsible". No. All it was legally entitled to, all it wanted, was a referendum. A chance for Regina to take a closer look at the proposed changes.

And you know what? They did it. These women and men got the numbers. They got people on board at the Farmers Market, at Mosaic, even just stepping out of work places and pubs. Over 24,000 people from all over the city. A full 25% more than they needed, even after the petitioners scrubbed the list clean of any obviously flawed signatures. They did it.

That is democracy. That is the will of the people manifested. and That is a mandate, a stronger mandate than any one person assembled in this room possesses.

And, council, what is your response to this inspiring and irresistible outpouring of citizens democracy?

You put up as many roadblocks in its face as possible. I ask, is that democratic? I feel you already know the answer.

Your first roadblock? You try changing the rules mid game, moving the goal posts, hoping to get the province to update population counts that would draw the required number up. Having failed, and in fact having only served to draw neutral parties into your opponent's corner through the simple, blatant, audacity of your attempt at tampering, it seems like you simply start to make things up. Suddenly the most important aspect of a signatories efforts is not the verifiability of their name or city address, it is whether or not they wrote the year on a petition that is without a shadow of doubt from one very specific moment in time in one very specific calendar year. Is this in the spirit of democracy? Or is it simple partisan gamesmanship designed to defeat the opponent at all costs?

And that still wasn't enough. You still had to keep whittling. So you began to over or under-interpret, as fit your needs, the legal limits of the Cities Act from which you drew your authority, ultimately culminating in a series of bizarre phone call questionnaires.

I find a quote here from the 20th century sadly fitting. "It isn't the vote that counts, it's who counts the votes."

To paraphrase the Dog, "These are some seriously bad optics."

And don't start now trying to hide behind "the city clerk is an independent party just doing her job" schtick. That is as patronising as it is disingenuous. Everyone gathered in this room can see what is going on here, and it isn't simply due diligence. And it sure isn't democracy. There is a will and a purpose and a direction to these moves you'd have to be willingly blind to not see.

So yea, that's the gist of the past few months. Is it representative democracy? Are we allowing the democratic process, regardless of personal bias, to move freely to the conclusions of the electorate? No. This type of action is held under no possible

mandate. This is an affront to our mode of governance by the very people we entrusted it to. And all in the name of petty partisanship.

But the best is yet to come. Council, you stridently, unyieldingly insist that this is Regina's best option. That objective fact points to this as tax payers' only realistic choice in the matter. Fair enough. What are you so afraid of then? What scares you so much as to make a mockery of the same process that gives you your power? Why this stripping down of democratic form and function? If yours is the best, the only, option what could possibly go wrong by putting it to a simple vote? Do you not believe Regina's citizens are capable of making informed decisions? Do you not believe we are capable of reason or logic? Because that is how all this inescapably reads. That council knows best, so don't you fret about it, dear voter, just come back in a few more years and vote me back in to keep saving you from yourself.

If you and your plans for waste water really are the best options for the tax payers, then you, our representatives, should have no problem convincing the majority of us, those you represent, of that fact. Just like in a democracy. Thank you.

PRESENTATION TO CITY COUNCIL**JULY 22 2013****Florence Stratton****24,361 REASONS TO HOLD A REFERENDUM**

My name is Florence Stratton. I am a member of Regina Water Watch. Along with many other Regina citizens, I collected signatures for the petition calling for a referendum on the P3 funding model for our city's much needed new waste water treatment plant.

The petition was launched on March 22nd, World Water Day. On June 20th, it was submitted to the City Clerk. It contained 24,361 signatures, 5,000 more than are required to force a referendum.

ENHANCING THE DEMOCRATIC PROCESS

Contrary to claims made by some councillors during the stadium debate, referendums have legal status in representative democracies throughout the world, including Canada. Regina, itself, has a long and proud history of referendums on expensive and/or contentious projects, including the upgrading of Taylor Field in the 1970s and the building of the Lewvan in the 1980s.

In those days, city councils upheld democratic practices. They didn't even make citizens stand on street corners collecting petition signatures. They called referendums themselves.

As those earlier councillors understood, referendums have a particularly crucial role to play in representative democracies. They enhance the democratic process by giving citizens a

direct say on particular matters and by limiting the power of governments to do whatever they want between elections.

SUBVERTING DEMOCRACY

Over the course of the waste water treatment plant debate, City of Regina officials have made a concerted effort to subvert the democratic process. Here are five of their tactics:

1. Lack of transparency

Transparency is an essential principle of democracy. The decisions of elected officials must be open to public scrutiny so that citizens have sufficient knowledge to make informed choices.

The City of Regina claims \$78.6 million in savings if it uses the P3 model for the waste water treatment plant. However, it refuses to release the calculations and assumptions on which this figure is based. In the copy of the Deloitte document, obtained by Regina Water Watch through Access to Information, all the relevant detail has been redacted.

The people have a right to know!

2. Intimidation

On two occasions that I know of – there may have been more – a City Councillor shouted at one of us in a public place where we were collecting petition signatures: “You’re lying! Quit lying to the people.” The bullying behaviour of the Councillors in question, Terry Hincks and Bob Hawkins, was, no doubt, intended to scare off people who wanted to exercise their democratic right by signing the petition. It didn’t work! 24,361 people signed. Thank you, Regina!

3. Changing the rules in the middle of the game

On June 14th, one week before the petition was due to be delivered to City Hall, the City Clerk asked the province to increase the number of signatures required to force a referendum from 19,310 to 20,742.

A major function of the City Clerk is to render equal service to all by maintaining neutrality and independence. A neutral City Clerk would not have asked the province to change the rules for the petition so as to advantage one side over the other. In so doing, the City Clerk broke the rules of her office.

I would like to add that, in all my other dealings with the City Clerk, she has been helpful, professional, and fair-minded. I can only assume that, in her handling of the water petition, she acted under extreme pressure from other City officials.

In any case, the changing-the-rules-in-the-middle-of-the-game tactic was also foiled, this time by the provincial government, which rejected the City Clerk's request as an "inappropriate intervention in municipal democracy."

4. Discounting petition signatures for frivolous and trivial reasons

In several instances, the steps the City Clerk took in verifying the petition went well beyond what is required by the Cities Act – further evidence her office was not engaged in a dispassionate review, as is mandated by law, but in the partisan process of invalidating every signature it could.

The date is a case in point. A number of people who signed the petition did not include the year in the date column, but only wrote the month and the day: June 3, for example. The City Clerk discounted all those signatures.

“Date” is not defined in the Cities Act. The media cites the City Clerk as saying she consulted a dictionary and the City’s legal department in determining the meaning of “date.” In the dictionary that I have to hand, *Webster’s New World Dictionary*, “date” is defined as “day of the month.” There is no mention of year in the definition.

I, too, consulted a lawyer. In her opinion, it is not necessary for the year to be included in the date for the date to be valid since the petition only existed between March 22 2013 and June 20 2013. She also said that it is clear the City Clerk’s office was looking for *de minimis* omissions in its zeal to invalidate the petition. Courts typically ignore *de minimis* omissions because they are trivial matters that are not worthy of judicial scrutiny.

5. Harassing people who signed the petition

The City Clerk’s office telephoned people who signed the petition, asking them intimidating questions, such as “Do you live at such and such address? and “Are you a Canadian citizen?” People who couldn’t be reached were left a threatening message saying that, if they did not respond within three days, their name would be eliminated from the petition.

The Cities Act does not mandate the City Clerk to phone petitioners. It does not require a petitioner to provide a phone number or even to have one. Nor does it require petitioners to postpone vacations for 30 days after a petition they have signed has been submitted – just in case the City Clerk phones them.

The harassment of petitioners by the City Clerk’s office constitutes retaliation against people who have exercised their democratic right by signing the petition. Furthermore, it is

calculated to intimidate and chill future participation in the lawful democratic process of signing petitions.

STANDING UP FOR DEMOCRACY

The democratic rights of Regina citizens have been trampled on. Democracy is a very fragile form of government. It needs to be promoted, not thwarted. Otherwise it will be lost.

Democracy is at a very low ebb in Regina. People want to be part of our city. But there is very little space for the citizens of Regina to voice their opinion and be sure they will be heard. Public consultations are a farce: a box to be ticked off on some city official's checklist; a means of legitimizing a decision that has already been made.

When I was collecting signatures for the petition, a number of folks said it was no use their signing. "City Hall will do what it wants no matter what we do." Sadly, it turns out they were right. Even when 5,000 more signatures are collected than are needed to force a referendum, the City declares the petition "insufficient."

There is a connection between poor voter turnout and poor government engagement of citizens between elections. Is it any wonder that a mere 32% of eligible voters cast a ballot in Regina's last municipal election?

In a true democracy, leaders listen to citizens. 24,361 citizens of Regina signed the waste water treatment plant petition. To put that figure in perspective, the petition got more signatures than Mayor Fougere got votes in the 2012 municipal election.

The people of Regina have spoken. We want to vote on the future of our water system. If City Council believes in democracy, it will give us that vote. It will also release all the information about the P3 funding model so citizens can make an informed decision.

Public servants are meant to hold the public trust. We expect our elected officials and our public servants to work towards the public good, for the benefit of all citizens.

This year, **in 2013**, over 24,000 citizens of Regina signed a petition to ask for a referendum on the Wastewater Treatment Plant.

The City Clerk has deliberately misread the intentions of the citizens of Regina, and of the Cities Act, when she eliminated 2,834 signatures because the date did not include the year. The Cities Act stipulates that a petition is allowed no more than 3 months to collect signatures, and is valid only if 10% of the population has signed.

If the Cities Act does not define 'date', and if the Cities Act demands that a petition be completed within 3 months, does that not imply that those three months would be consecutive, within the same year (in this case), and ONLY within the timeframe stipulated??! If the year is missing, it is implied. The date is not ambiguous, because a P3 Wastewater treatment plant had not been discussed until February of 2013: this was not an issue during the election of 2012.

Launched on March 22, 2013 and delivered to City Hall on June 20, 2013, the petition could ONLY have been signed during March, April, May or June of 2013. Time travel was not involved!! It is claimed that some people had written 2012, 2015, or 2017. The misreading of the year seems to be a willful misunderstanding, or, perhaps, a very high intolerance of sloppy hand-writing. This willful misreading is for no good reason; or, rather, no reason for the public good.

How dates are written is culturally specific. When I was studying French, I inserted a comma between the month and the year, in the Anglo-Saxon style, and, to my surprise, I was docked 1 point out of 20, or a whopping 5%!! I quickly learnt to write dates without a comma. If the date ***with a year*** was so important that over 10% of all signatures were deemed invalid, we should have known from the beginning that the date MUST include a year. Also, if a date is indicated only with numbers, we must know beforehand if we are to follow the universal mode of day –

month - year (from smallest to largest unit); or, the more illogical American style, month – day - year. Were signatures eliminated because of this manner of ‘incorrect date’ as well? which style is allowed? We don’t know, no why 782 other ‘incorrect dates’ were eliminated . We only know that 3, 416 signatures were eliminated because of “incorrect dates”.

Each party should know the rules, and each party is expected follow the rules. However, if the rules change during the process, we call "Foul!" A week before the petition was submitted, the City tried to change the number of signatures needed! Now, by demanding a year, after the fact, the City is rejecting names based on a technicality of their own creation, one that no one else was aware of, until the petitions were handed in.

That 4,289 names, or almost 20% of the signatures, were eliminated BEFORE the telephone calls which would determine the reliability percentage, seems problematic: of the 1008 people who responded, 881 were valid, almost 90%.

Still, the citizens have spoken - 24, 232 citizens of Regina - almost 50% of all voters during the last election! This report from the City Clerk shows disregard for the citizens of Regina, for our city, and for the democratic process.

Referenda and plebiscites had been used as a mode to determine civic consensus in Regina history: the new Central Library in 1959, the expansion of Taylor Field in 1977, and fluoridation in 1985, just to name a few. This rejection of a valid petition, because the year is not included in a date, in a petition which could ONLY have become a civic issue in 2013, shows contempt for our own citizens: it tramples on our goodwill and the public trust.

This is a sad day: democracy is not respected by City Hall. Democracy is diminished in the City of Regina.

Presentation to Regina City Council – July 22, 2013

My name is Paul Gingrich, I am representing myself, and I signed the petition. My comments concern the report “Wastewater Treatment Plant Petition for Referendum – 2013,” prepared by the City Clerk, addressed to His Worship the Mayor. Given my experience as a University of Regina professor who taught statistics for thirty five years, I have questions about parts of the report. I do not ask these to express doubt about the thorough work conducted by the office of the City Clerk. What I raise are the types of questions I’d have about any statistical report and to identify where decisions were made that might have been different. I’ll proceed through the issues the report raises for me.

Street addresses incomplete or incorrect. This is mentioned twice on page 2 of the report, first noting that 434 petitioners were deleted as a result of street address being incomplete or incorrect. But in the sample of 1,008 another 46 are listed as “Street address incomplete or incorrect.” My question is whether the 46 were also included in the 434. If included, then they were counted twice for deletion. I trust this is not the case, but the report is not entirely clear on this.

Verification. The report states “a random sampling of petitioners was undertaken” and “Verification of 1,270 petitioners was attempted.” However, the report does not indicate the method used to verify signatures. Was it by mail, email, telephone, in person, a combination of these, or some other method? And there is no indication of what questions were asked of those who were contacted or what letters or script stated. The report merely notes “262 of these petitioners were not able to be reached or did not return repeated messages.” It is unfortunate that the report does not provide information on this since different contact methods and script can lead to differing types of responses and response rates.

Margin of error of 3%. This is mentioned on page 1 of the report and helps form the basis for the estimates of the number of valid signatures at the top of page 3. *The Cities Act* contains no reference to margin of error. Item 4 of Section 108 states

(4) A clerk may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner.

There is no mention here of margin of error so I’d be curious to know how the decision to use a 3% margin of error was made. The 2012 City of Regina *Citizen Survey: Base Report* produced a 3.98% margin of error with 95% confidence (City of Regina, p. 1). In some surveys the margin of error is even larger. Someone must have decided what margin of error to use – who made this decision and what were the reasons for the 3% margin of error are not stated. Any decision concerning the margin of error makes a difference in the reported number of valid signatures.

Proportions or percentages. A minor point, but one where I always corrected my students, is that numbers such as 87.4% are percentages and not, as stated in the report, proportions (top of page 3).

Non-response rate of 20.6%. On page 3, a paragraph is devoted to the supposedly large 20.6% non-response rate, meaning that the number of valid signatures could be as low as 13,248. For those involved in surveying or contacting people by mail or telephone, non-response is a serious problem, especially since those not contacted may have characteristics different from those contacted. As for 20.6% being a large non-response rate, I'd disagree (although without knowing what methods were used to initiate contact with petitioners or what they were told, it is difficult to make a definitive statement). The National Household Survey, which Statistics Canada used to replace the long form on the 2011 Census, had a 28.6% non-response rate for Regina (Statistics Canada, 2013) and results from this will presumably be used for future planning. The University of Alberta Population Research Lab has been conducting telephone surveys across Alberta since 1991. In these surveys, "Noncontact rates experienced an even greater increase, starting at only 5% in 1991 and jumping to 37% in 2007" (Bladon, 137-138). So contrary to what the statistician is reported to have said concerning the unusually high non-reply rate, the sampling results do not indicate a high level of non-response.

Year not included. The most important decision in invalidating signatures is, of course, the non-inclusion of 2013 in the date. If the 2,834 petitioners who did not include the year are included there would have been 22,906 signatures after the initial counting phase. Applying the sampling finding that 87.4% of signatures were valid, this means that there were 20,020 valid signatures. Using the 3% margin of error, this means there were between 19,333 and 20,707 valid signatures. Even the lower end of this confidence interval exceeds the required 19,310 signatures.

In conclusion, there are a number of issues that are not addressed in the report or where there is some confusion. It is clear that well over 20,000 Regina residents signed the petition in good faith, expecting a referendum. My understanding is that City Council can decide to proceed with a referendum. I'd urge you as Councillors to do so.

Paul Gingrich

References

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Presentation to Regina City Council – Re: Wastewater Treatment Plant Petition

July 22, 2013

-By Phil Johnson

28(1) Personal

I am here to speak in favour of the petition and a referendum. First of all, thank you to the City Clerk for her report that has inspired so many people to read parts of the Cities Act for the first time. And to inspire people like myself to make presentations to City Council for the first time.

However, I have many concerns about her report.

One is that the City Clerk has expended considerable effort to prevent this petition from meeting the 19,310 number of valid signatures. It's hard to overlook the unsuccessful attempt she made to have the Saskatchewan Government raise the number requirement just prior to the deadline for submission of the petition. This was a clear signal that the City was prepared to bend the rules in favour of the P3 proposal. It put people like me who believe in due process and fair application of the rules and law on high alert.

A second concern is her decision to exclude signatures if the year was not clearly stated. Even if the day, month, signature and address were complete and accurate, the Clerk excluded the name from the petition. The Act does not stipulate that statement of the year takes precedence over everything else. Absence of the year does not make a date wrong, just incomplete. From the perspective of openness and fairness, the City Clerk could have had her staff phone those people who had failed to include the year when they signed the petition, and to verify that they did sign the petition in 2013. Would this have been any harder than phoning people to verify their names and addresses during vacation time? Of course, the Clerk did not phone to confirm the year, perhaps because to do so would be ridiculous and a waste of time. Is there anyone here who seriously believes some of these petitions were signed in 2012 or 2007? The intent of the signer is clear: he or she supports a referendum on the P3 proposal. To find otherwise is to make your biases and motives clear.

A third concern is that the Clerk, despite the help of legal counsel and an external statistician, has applied the Cities Act in a manner clearly contrary to clause 108(4). That clause gives the Clerk the option to either verify the petitioners' names and addresses and date signed by review of each name, **OR** to use a random statistical sampling method. It does not say she can do both. It says she can do either method, not both. But she used both methods – piggy-back style. This appears to have been

necessary in order to find the petition insufficient. Why is it so important to the City that this petition be found insufficient?

I have several other concerns, including what commitments – financial, contractual, verbal – the City has already entered into with the private sector with regard to the wastewater treatment plant.

I would like to believe that the Council will do the right thing in this matter. This could include giving the City Clerk the opportunity to comply with the Act, recount the petition numbers in a fair-minded manner, and correct and resubmit her report. And why not invite representatives of Regina Water Watch to observe the count and hear the discussions over questionable signatures?

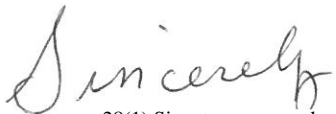
Thank you.

Gloria Bamford
376 Cameron St.
Regina, Saskatchewan
July 22, 2013

My Name is Gloria Bamford I am a citizen/homeowner and tax payer
Born and raised and lived my whole life here in the city of Regina
Saskatchewan, Canada. I oppose the privatization of any and all of
Our cities natural resources.

Water is a Human Right and an Essential Human Need. It
should never be a resource that is for sale. We/All the citizens of
Regina deserve a fair vote and deserve our numbers signed on the
petition to count. It is a clear indication the people of Regina
do not want this regardless of the amount of signatures the city
clerk deems invalid.

Water comes from Mother Earth, City Councilors are put in a place
of trust to do what is right, fair, just, humane, and protect thoughts rights
for the good of all. Natural Resources should not be used for political gain.
We would like to see that trust restored to us; towards Our City Officials
by allowing a civil vote to protect our water from private corruption and
greed. I want my vote to count.



28(1) Signature removed

Wastewater Treatment Plant Petition

WHEREAS the Council of the City of Regina has voted to proceed with a 30-year public-private partnership (P3) for the design, construction, financing, operation and maintenance of a new wastewater treatment plant; and

WHEREAS the Council of the City of Regina has not appropriately consulted with the residents of Regina before making this decision, which will lock future Councils and taxpayers into a 30-year contract with a private company that will make a profit from the taxpayers' investment; and

WHEREAS the Council of the City of Regina has failed to clearly inform the residents of Regina that the P3 project will cost the city more than if the project was publicly financed, even with funding from the PPP Canada Fund;

THEREFORE, WE THE UNDERSIGNED hereby petition the Council of the City of Regina to put the following resolution to a binding vote of the electors in a referendum held in accordance with sections 106 to 112 of *The Cities Act*;

BE IT RESOLVED THAT the Council of the City of Regina publicly finance, operate and maintain the new wastewater treatment plant for Regina through a traditional Design Bid Build (DBB) approach.

By signing this petition, the petitioner attests that he or she is a Canadian citizen and is 18 years of age or more and an elector of the City
(a resident or property owner of Regina) and has not previously signed the petition.

Signature	Printed Surname	Printed Given Name(s) – Initial	Street Address	Date	Signature of Witness
28(1) Signature removed			28(1) Personal		28(1) Signature removed
	Bamford	Gloria		July 22/2013	
28(1) Signature removed	Bamford	Perry	28(1) Personal		28(1) Signature removed
				July 22/13	

*Please return petition sheets with signatures to Regina Water Watch - 2818 19th Avenue, Regina, SK S4T 1X3
For further information call (306) 522-2310 or e-mail reginawaterwatch@gmail.com*

To download more petitions go to: www.reginawaterwatch.ca

Citizen's right to petition for a referendum is a critical part of the checks and balances in our democracy. As a democratic society we hold as sacred the voice of the individual to have a right to a say in the way in which our community's move forward. Our commitment to democracy runs so deep that we will send our young men and women into harm's way to assist in bringing democracy to other places in the world. I invite you to consider that democracy is as vitally important at a civic level as it is at a national level. All democratically elected officials have as their primary duty an obligation to uphold the principles of democracy. I am here as a defender of the very democracy that so many of our parents and grandparents fought and died to protect.

The clerk's decisions and actions, as it relates to the waste water treatment plant petition, are deeply flawed and require an intervention by those that have been elected to office to uphold democratic principles. This unelected individual has arbitrarily, with a stroke of a pen, effectively silenced the voice of over 20,000 residents of this city. The mayor is quoted as saying that "the sufficiency of it [referring to the petition] is not a debatable issue because the clerk is independent of council. She made her determination". The clerk is an individual that is hired, and can be relieved of her duties by the mayor and council so it is by the very weakest of standards that we would feel comfortable calling this person independent. The public statements made by the mayor suggesting that the democratic rights of the people be left in the hands of an unelected city employee, and that he and his council are powerless to challenge her methodology and her conclusions are troublesome. Equally as troublesome is the very real possibility that an elected official is hiding behind the clerk in order to shirk his responsibility and ensure that his agenda is fulfilled.

The mayor's position is clearly stated, so it is to the councillors that I make an appeal to hold this anti-democratic action in check. I ask council to set aside the waste water treatment plant issue for a moment to look to your broader responsibility to democracy and to your constituents. As a council you have the power to demand that a referendum be held. By doing so you would send a clear message to the residents of this city that their voice counts, that when they get out and work together, they do in fact have the power to affect change. You would confirm that here in Regina democracy is something much more than what happens every four years when we go to the polls.

This in no way threatens your position as a council to support the P3. You will have ample opportunity, prior to the referendum, to inform the people of this city as to the wisdom of your choice.

My friends, this is no small matter as there is a significant impact when democracy is denied. We have a right to know if the clerk has in fact acted independently, without outside influence. The citizens of Regina need reassurance that the current clerk is well suited to continue in a position that holds such power and responsibility. If the clerk has the power to silence over 20,000 residents of this city, it is vital that we know that she has done her job to a standard that our legal system would support. I ask that you request a judicial review of the clerk's processes in coming to a determination of insufficiency. Council, stand on the side of democracy, hold a referendum and request a judicial review.

B. H. Chamy

July 22 2013 -

Presentation to the July 22, 2013 Special Meeting of City Council

My name is Catherine Gibson and I represent myself.

Thank you, Mayor Fougere and members of City Council, for permitting me to make a presentation this evening.

Disclosure: With the exception of a two month summer job at the Regina General Hospital in 1957, I have never been a member of a union. I became involved with Regina Water Watch because I am a great fan of Maude Barlow and because I believe that water is a public resource that belongs to us all. It is a human right and an essential human need and this applies whether the water is new or used. I am here because the words of Stephen Harper to the effect that we won't recognize Canada when he is through with it, causes me sleepless nights and makes my blood run cold. Over the past several decades, and several federal governments, the infrastructure burden has been shifted from the body that has the most financial resources to the ones with the least i.e. the municipalities. I do not believe that the Federal Government should have the right to put restrictions on Infrastructure Grants through the type of public private partnership referred to as PPP Canada. I believe that every community should have access to Federal Infrastructure Grant money for up-grading their wastewater treatment plant, with the only restriction being that it must be used solely for that purpose.

The Petition: In my view the main contention is with the Federal Government because of the type of public private partnership that involves the private company in the Finance, Operation and Management roles and that the information relating to these three segments is not made available to the public---it is neither open nor transparent, quite the contrary, it is unbelievably redacted. I interpret the **BE IT RESOLVED** statement of the petition as a resounding vote of confidence in the City of Regina and its employees in the manner in which they have financed, operated and maintained the wastewater treatment plant in the past and that they should continue to do so into the future. I am of the opinion that there is plenty of private involvement in the design and construction of this and all other municipal projects because the City does not have its own construction and/or design departments. The area of disagreement with the city relates to the feeling that this was a 'done deal' long before the announcement of an expenditure of almost a quarter of a billion dollars. I am not aware of any public consultation or Open Houses such as takes place with projects of far less costs and more discretionary use. We need the facilities of a wastewater treatment plant 24 hours a day, seven days a week. We need to know a lot more about what the final cost will be to each household to cover the interest on the private loans and any additional profit margins the consortium expects for the Investment type loan it brings to the table.

The Petition Count: There is no argument that the Office of City Clerk can define what constitutes the Date but shouldn't that have been done BEFORE the Petition was handed in? If the definition of 'date' is not part of the Cities Act, then perhaps it should be spelled out there. On the other hand, there is grounds for argument that people who do not answer their telephones because they are away on holiday or because they do not have caller I.D. and didn't know it had rung while they were out, or because they simply do not recognize the phone number and have been on one phishing (that is spelled

p h i s h i n g) trip too many, have had their democratic rights abused when their names were stuck off the list of otherwise eligible signatures.

Dealing with the Reality: I had originally decided to head this presentation with the statement: "24,232 reasons" (or 20,500 as the revised number I came up with by reinstating the names struck off for missing the year and for not being available to answer their phones less 10 %) *for ditching the P-3 Grant and strongly urging Ottawa to not tie funding to P3s.*" This was the gist of a resolution passed at the Federation of Canadian Municipalities annual conference May 31 - June 3 in Vancouver---in 2013. It is my understanding that the Regina delegates supported this resolution. A director with the Fraser Valley Regional District indicated her worry about the growing pressure to enter into risky P3s is because in many cases the overall costs of P3s are higher than traditional public projects, and the people she represents shouldn't be forced to blindly enter risky agreements. Her words "This is taxpayers money. To be forced into an agreement that would cost more is just not right". I had always hoped that, regardless of the outcome of the Petition count, Council would take the step of passing its own resolution, a resolution that follows the spirit of the petition, saving both the time and money that would be involved in holding a referendum. But, while you are mulling over my brilliant suggestion, I would ask that you think about how profoundly the increasing costs of utilities affects the low income group. For example, I assumed that the 2012 average annual water bill might be \$1000.00. For a household with an income of \$20,000, they will spend 5% on water. If another household, using the same amount of water, has an income of \$200,000 they will barely notice the half of one percent that goes to cover their water use. The high income family may have the advantage of all the 'lo-flo' bells and whistles and perhaps even a grey water recovery system for flushing and watering the lawn! The low income family is probably flushing their money away 13 litres at a time. Please don't risk adding to their plight by making them contribute to a wealthy shareholder's profit.

Conclusion: P-3 contracts are complicated, lengthy and require some kind of an advanced degree to decipher. P-3s when applied to public services, move "taking from the poor and giving to the rich" to an art form. Instead of approaching this matter from Deliotte down, please consider it from the citizens up. Please tell the Federal Government that you have ____ (fill in the blank) number of signatures to back up your request for a no strings infrastructure grant. Worst case scenario, you can assume that a great number of citizens have given their permission for you to ditch the P-3 grant because it will save them money in the long run, and give them the assurance that the tried and true public funding model is alive and well in Regina.

Regina C.C. presentation 7/22/13

I would like to sincerely thank the city council for their patience in dealing with this important petition.

I appreciated the opportunity of being able to speak to several (3) of the city councilors and also to the mayor. I also appreciate the fact that I can sense that most seem to be interested in the general idea of getting the best waste water treatment program for Regina that we can. We certainly appear to differ in HOW that should be realized.

I would also like to sincerely thank those with the Regina Water Watch group who have worked hard to bring this very important issue to the attention of so many of us who are living in Regina. I would also like to thank and acknowledge all those 24,000 people in Regina for taking the time and interest in signing the petition.

I signed the petition the first night of the signing this last March 22 which happened to be World Water Day. That's March 22, 2013 to be clear!

DEMOCRACY IN ACTION

I supported the petition drive because of my interest in water, waste water reclamation and the sale of water for profit. This is a worldwide issue. Indeed, there is no more important issue than water because without water there is no life! Water used by us quickly becomes waste water. Waste water carries materiel from our use of the water. In a democracy, life is about the community. The famous saying about democracy. "A democracy depends on the active participation of the citizens." is something I take seriously. Obviously many others want this participation. Participatory democracy is what is needed here and participatory democracy is what is being denied here.

It is the right, it is indeed the responsibility of us living in a democracy (even a struggling one) to be actively involved in important decisions which will affect us all long-term so profoundly. For the more day to day operations it is the job of elected officials and the administration and workers to carry out the operations for a well-run city. A project of this size and cost and impact that affects every woman, man, child and beyond in such a profound way, we all need to be involved, informed and have a say. This petition calls for that. It doesn't call some feel good ads from the city basically saying, trust us ads in print sufficient to pass this issue.

This petition drive has been an important wake up call for many of the citizens of Regina. It has been an important wake up call to be involved in shaping their collective sustainable future.

People signed the petition in good faith that the city would act reasonably. Instead these people's signatures have been aggressively removed and prevented with posturing by the city of obeying and

interpreting letter of the law. They disregard the spirit and intent. It's like choking on a sliver but swallowing a log, to quote a famous leader!

This water and waste water issue, of course, goes far beyond our city but this is our turn to deal with them. The global issues of water and water services, for profit, privatization often cloaked as partnering. In point of fact it is something more like control of a most public need.

This is the largest infrastructure project in the history of our city ... (If one looks beyond the stadium as an entertainment venue that some will use.)

The waste water treatment was NOT an election issue. Not one of the 100s of people I spoke with, not ONE, (other than the mayor and 1 city councilor) was aware of this coming waste water issue. A project of this importance and size to be flagged through without a whimper, without peep or blink and gulp from the taxpayers of Regina would be absurd. Are we thought to be so sleepy, so passive, so bored, so immature, so complacent about our future that we would or should remain silent and complacent about a service and issue which will affect us so intimately and profoundly for 30 years and beyond?

We are also aware that eventually there will be connections with FRESH WATER in coming times!

This waste water petition and issue is about something that all of us use daily and send on down to our neighbors downstream. If that is what city council expects of us citizens it is an insult not to be borne. We care, we have shown our collective concern and interest and we want the facts clearly before us and the question on the petition presented to the citizens of Regina in a referendum.

QUESTIONS

In talking to people FAQ are:

There was an independent economic review sent by Mackenzie. Who of this council have carefully read and digested this report and given consideration to it?

What is the involvement of Deloitte Touche in this project and why does its name appear with so many other P3s in Canada?

What is the city leadership hiding to go to the lengths it has to prevent letting us have a say?

If this project is so big and so costly why was it not an election issue.

If it took years and a fair amount of public input for the recycling program that is finally being phased in, why is so little public input, and free, clear information to the public on an issue that so intimately affects every person in the city?

Why are so many other cities rejecting P3s or paying dearly to get out of them?

Is there a legal case to be made that the city showed clear bias?

If the city can afford a 10 fold increase in 6 figure salaries to the cost of over 50 million per year, what's the problem with the cost of this referendum?

People have been asking me, "What are the powers that are so strong that have influenced the city to take such aggressive measures to prevent this petition from succeeding? Indeed the first attempt was to increase the number of signatures needed. The city wanted to give this petition a rough ride indeed. Next this posture about obeying a law and discounting signatures.

Are you aware of an article written by Nelson Bennett that appeared in Business Vancouver June 27, 2012 entitled "Vancouver potash company to buy Regina wastewater". Bennett states that the City of Regina has signed an agreement with Western Potash Corp from Vancouver. Regina will be paid 200 Million over 45 years for treated wastewater to be used at a new potash mine south of Regina. Is it true? If so why were the city councilors I spoke with unaware of this? What impact does this signed agreement have on the resistance the city of Regina is placing on our petition and call for more info and a vote? Is it already happening?

If the city act states that within 30 days are we not over that period today, July 22, 2013?

Does this elected leadership want to go down in history are the council that railroaded through such an important issue?

Have you even read Hugh Mackenzie's recent Financial Analysis of the City of Regina Waste Water Treatment Plant Expansion and Upgrade of May 6, of course, 2013?

What about the cost of a referendum? If there seems to have been little or no problem with the 10 fold increase in the last 5 years in city hall employees getting over 6 figures annually (that more than 50 million in top salaries per year, what is the problem with a fall referendum?

Where there is a will there is a way, isn't there?

There was a very recent documentary televised on The Passionate Eye program on CBC. It was called "Last Call at the Oasis" Have you seen it? I highly comment it to you. It deals with water and waste water and would be very important to consider what it discloses. For the sake of our children and grandchildren not to mention our own sakes, we must all go into this issue with our eyes open, information freely available and aware of the high stakes before us.

Why doesn't the city council take the moral high ground? A large proportion of the citizens on Regina want a referendum on this issue. Why let a "self-created questionable technicality" stand in the way of a democratic action? Call the referendum using the question in the petition.

Doesn't "Regina florat" as a city motto seem impossible when citizen participation is so flagrantly stifled? Our little "Regina spring" here with citizens signing a petition asking for more info and a say ... is this our Tarir Square ... anyone for self immolation?

Can one point to the OVERT ACT and BIAS shown by the city to raise the number of signatures needed for the referendum and the city's decision to aggressively disqualify signatures and disenfranchise voters who did not put the year 2013 ... despite the fact that all the signatures were gathered between March 22 and June 20.... 2013!

Must we seek for a judicial recount of the signatures in light of this bias?

Wanna see how broken democracy appears in Regina? If Regina City Council denies its citizens the referendum on the waste water treatment issueCheck out Regina's Spring ... that's 2013

I ask the city council to hold a referendum on the public resolution stated in the petition.

Refer to the letter from mayor and print from papers etc.

Good evening your worship, members of Regina City Council. My name is John Hopkins and I am the Chief Executive Officer of the Regina & District Chamber of Commerce. I am here tonight representing the 1250 members of our Regina business organization. Your worship, for the record I would like to state that we are this community's local Chamber of Commerce with roots that stretch back into the 1880s. We were here at the community's inception, throughout the great depression, the world wars, the periods of limited and no growth and most recently during this current period of economic prosperity. In short, we have been here in the past and we will certainly be here in the future.

Your worship, tens of thousands of people did not sign the petition in question tonight. Many did not because the claims being made are simply not true. There are people in the community who want the safest, most efficient sewage treatment plant for their hard earned tax dollars which can be delivered by a Public Private Partnership; many people understand that this is a complex project with a great deal of risk, risk that can be transfer to the private sector; many people do not want to pay higher taxes and get an inferior sewage treatment plant – lower taxes and a higher quality sewage treatment plant can be delivered using a Public Private Partnership.

Your Worship, any claim that using a Design Bid Build model is cheaper than a Design Build Finance Operate and Maintain Model is misguided at best. Moreover, how anyone can claim that there is little to no risk in a complex \$224 million project defies logic. The truth of the matter is there is risk and ultimately risk to the taxpayers of this city.

According to global experts with global reputations at risk, the P3 model approved by Council in February is the best model which will save our community \$80 million over the 30 year lifecycle of the project. Moreover, we need to be very clear that the federal government's \$58.5 million contribution is at risk and will have to be made up bytaxpayers.

Truthfully, this can only mean one of three things: higher property taxes, higher utility rates or a combination of both. What is the true cost of saying no to the P3 model for the sewage treatment plant? We know that it will be at least \$80 million over 30 years with a majority of that being in the first few years but what does that mean to the average home owner? What about the average business? And your worship what about risk?

The likelihood of a cost overrun under the Design Bid Build model is high and could be impacted by design flaws, construction delays, and a lack of expertise at City Hall. What if the project goes over by:

- 10% or \$22 million, how about
- 25% or \$56 million
- 50% or \$112 million, or perhaps
- 75% or \$168 million, what about a cost overrun of
- 100% or \$224 million

Who will have to pay for the cost overruns if we say no to the Public Private Partnership?The truth Taxpayers. Under the P3 model the risks will fall to the Private Sector Partner and not the taxpayer which could save homeowners millions.

Is this project really about the privatization of water? The truth ... no. There is no secret agenda to privatize water. First of all what we are talking about is building a sewage treatment plant, not a water treatment plant. Moreover, what goes in and what goes out of the facility including the facility itself will always be owned by the citizens of Regina with City Council in control of the rates.

Your worship we don't need higher taxes and/or higher utility rates particularly if getting an inferior product at the end of the day with a Design Bid Build Model.

Before I close, I would like to make a few comments about the importance of the private sector in our daily lives. For those who believe the private sector would supply an inferior product I would like them to think about doctors, lawyers, accountants, pharmacologists, most of the media, engineers, architects and the list goes on and on and on. These professions are predominately in the private sector. Where do we get prescription drugs from – drugs that in many cases keep many of us alive the private sector, where do you do you get legal advice from for some of the most important decisions in life ... the private sector, who do we trust to build our cars to protect some of our most precious cargos – our kids ... the private sector. This is not to say that the work performed in the public sector is not adequate but rather to say that any notion that the private sector is inept or that we don't care about quality and safety is completely not true. The private sectors products and services provide all of us with safety and security in our day to day lives.

In February of this year you made the right decision. That decision was made after a great deal of due diligence which is paramount to making a \$224 million decision. Your worship we need to embrace the future, many Public Private Partnerships have been successful in British Columbia, Alberta and Ontario. We firmly believe that a Public Private Partnership will be successful here.

Thank you,

John Hopkins
Chief Executive Officer

letter requesting right to give an H2O presentation

DE 13-104

From: **evangeline godron**

Sent: July-21-13 5:35:52 AM

To: tblyth@regina.ca (tblyth@regina.ca)

Dear Ms or Mr. Tblyth & CC to Mr or Ms Jswidnicki:

This letter shouldn't even need to be written. However since the city's power pins flagrantly are trying to ignor the will of the people by disregarding the "intent" of the petition, I am forced to write.

I wish to be one of the critical mass who would like to make a presentation at July 22, (2013)'s city council meeting at 17:30/5:30. My topic will be related to the waste water treatment plant petion.

Please confirm receipt of my email.

Onward cheering,

Evangeline Godron 😊

Here is essentially what I will say in my three to seven minute presentation to the city:

How can you say the extra 3,000 + - signatures don't count? Originally, only 19,000 something were required. The reasons for disregarding the signatures are rediculous.

If in fact the law required a year to be included with the signatures, why didn't the city say so in the first place?

The intent of the people is still obvious!

Then the other so-called "good reason" for erasing off signatures from the petition because the signer couldn't be reached by phone or didn't call back as required by the city's message left.

I have no answering machine! When I am not home good luck! I am my own answering machine!. Did you erace my signature too because I couldn't be reached??? Or I didn't call you back. Couldn't, didn't know you wanted me to.

And what about cell phone users. I bet you couldn't frind them in the phone book either either to cntact. Are we to assume, their signatures don't count either?

And unlisted land phone users? Do they count? Bet they didn't call the city back ano more than I did. Like me, they were unaware you wanted to hear our voices.

And how about those poor unfortunate souls who don't have a phone? Only an address? Don't count them too, hmm, interesting.

And heaven forbid if a homeless person was to sign____ don't count eh?

Hey, how did any of you get to be councillors or mayor? I don't remember dating even with the day and or month let alone the year when I voted in the city elections.

Or by the way when you voted for yourself and others did you date____ day, month, year your vote?

Now if your vote counts without a date, let our petitions signatures all count whether we put the year on or not. Guess you know what year, we are talking about???

Onward cheering for the right of the petition to stand,

Ms Evangeline Godron

July 22, 2013

To: His Worship the Mayor
and Members of City Council

Re: Wastewater Treatment Plant Petition For Referendum – 2013

RECOMMENDATION

That this report be received and filed.

CONCLUSION

On June 20, 2013, the City Clerk was publicly presented with a petition for a referendum in relation to the Wastewater Treatment Plant.

Pursuant to Section 106(1) of *The Cities Act*, if a council receives a petition signed by the number of electors equal to 10% of the population of the city on any matter within the jurisdiction of the council, the council shall submit the request to a vote of the electors in a referendum.

In accordance with the 2011 census data, in this instance, a petition would need to contain 19,310 valid signatures to be determined sufficient for a referendum. The petition, once verified, with 95% confidence and a 3% margin of error contained between 16,941 and 18,145 valid signatures and therefore the City Clerk has deemed the petition insufficient.

The decision of the City Clerk is final.

BACKGROUND

On June 20, 2013, the City Clerk was publicly presented with a petition for a referendum in relation to the Wastewater Treatment Plant, the preamble of which read:

WHEREAS the Council of the City of Regina has voted to proceed with a 30-year public-private partnership (P3) for the design, construction, financing, operation and maintenance of a new wastewater treatment plant; and

WHEREAS the Council of the City of Regina has not appropriately consulted with the residents of Regina before making this decision, which will lock future Councils and taxpayers into a 30-year contract with a private company that will make a profit from the taxpayers' investment; and

WHEREAS the Council of the City of Regina has failed to clearly inform the residents of Regina that the P3 project will cost the city more than if the project was publicly financed, even with funding from PPP Canada Fund;

THEREFORE, WE THE UNDERSIGNED hereby petition the Council of the City of Regina to put the following resolution to a binding vote of the electors in a referendum held in accordance with sections 106 to 112 of *The Cities Act*;

BE IT RESOLVED THAT the Council of the City of Regina publicly finance, operate and maintain the new wastewater treatment plant for Regina through a traditional Design, Bid, Build (DBB) approach.

The purpose of this report is to advise City Council that the petition submitted is insufficient.

DISCUSSION

Petitions must be filed with the City Clerk within 90 days after the date on which the first signature is obtained on the petition. There are dates on the petition both before and after this 90 day period.

The petition as delivered contains 24,361 signatures, and all signatures appear on pages that contained the same purpose statement.

In accordance with Section 108 of *The Cities Act*, during the initial counting phase 4,289 were stricken from the petition. The City Clerk has no discretion in this regard as the Act clearly states in this section that names of petitioners shall be excluded as follows:

Printed surname and given names (or initial) incomplete or incorrect	435
Street addresses incomplete or incorrect	434
Date is not stated or incorrect (of this number 2,834 had no year included)	3,416
Signature is not witnessed (or witnessed own signature)	4

There were 20,072 signatures remaining on the petition after the initial counting phase.

The City of Regina does not enumerate prior to a municipal election, and instead uses voter registration at the time of voting, as allowed for in *The Local Government Election Act*. As a result, there is no voters' list. As one of the requirements for signature on the petition is that only electors of the City are eligible to be petitioners, a random sampling of petitioners was undertaken as outlined in *The Cities Act* Section 108(4) with the assistance of a statistician from the University of Regina.

Verification of 1,270 petitioners was attempted. 262 of these petitioners were not able to be reached or did not return repeated messages. The statistician has noted this represents a 20.6% non-reply rate, which is unusually high, even during the summer period. Notwithstanding, these 262 petitioners were not invalidated but rather were excluded from the sample size, which still remained legislatively and statistically appropriate.

Of the 1,008 remaining, the results are presented as follows:

Verified as valid	881
Street address incomplete or incorrect	46
Person didn't sign the petition	25
Person signed the petition more than once	19
Person was not a Canadian citizen	10
Person was not at least 18 years of age	3
Person did not reside at the address listed on petition	16
Person was not a resident of Regina for 3 consecutive months prior to signing	1
Person was not a resident of Saskatchewan for 6 consecutive months prior to signing	1
Person refused to verify information	6

The above represents a confidence level of 95% and a margin of error of 3%. That means that the proportion of the verified answers is 87.4%, so there is a 95% confidence that the true proportion of verified (valid) signatures lies between 84.4% (16,941) and 90.4% (18,145)

In his professional opinion, given the 20.6% non-response rate, the statistician believes the above calculations to be extremely generous, and offers that the true proportion of verified answers could well be as low as 69%. So again, with a 95% confidence level and 3% margin of error, the true proportion of verified (valid) signatures may well lay between 66% (13,248) and 72% (14,452).

Notwithstanding this extrapolation based on the non-response rate, between 16,941 and 18,145 valid signatures ultimately remain on the petition. The City Clerk has determined the petition to be insufficient.

In accordance with section 109(2), the City Clerk's determination is final.

RECOMMENDATION IMPLICATIONS

Financial Implications

None with respect to the recommendations of this report.

Environmental Implications

None with respect to the recommendations of this report.

Policy and/or Strategic Implications

None with respect to the recommendations of this report.

Other Implications

None with respect to the recommendations of this report.

Accessibility Implications

None with respect to the recommendations of this report.

COMMUNICATIONS

The main contact for the petition has been provided with a copy of the report.

City Council will accept submissions from parties wishing to appear at the Special meeting of City Council on July 22, 2013.

DELEGATED AUTHORITY

Determining the sufficiency of a petition is within the legislated authority of the City Clerk.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joni Swidnicki".

Joni Swidnicki,
City Clerk

Report prepared by:
Joni Swidnicki, City Clerk