

Summary

Right of Initiative to public consultations

**Take the initiative,
obtain a public consultation**



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[Note: In force since 2010, Schedule B of the By-law concerning the Montréal Charter of Rights and Responsibilities and the Right of Initiative (05-056) governs the conditions for the application of the Right of Initiative to public consultations. For the interpretation of the Right of Initiative and how it is applied, the By-law takes precedence]

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Introduction

Do you know that you can obtain a public consultation from your borough or from the city, concerning, for example, a new orientation or a new subject that, in your opinion, raises **important issues** for the community? How? By using the Right of Initiative put at your disposal by the Ville de Montréal.

The Right of Initiative allows citizens to become actively involved with their neighbours, and to submit for public consultation innovative ideas, orientations or projects that are important to them and serve the public interest. It allows them to take the initiative and to propose constructive and mobilizing solutions for public discussion.

A right that complements other existing forms of consultation

This tool, developed jointly by the Task Force on Democracy (2002-2014) and the Ville de Montréal, provides the population with an additional means to make a positive contribution, with elected officials, to the city's development.

The Right of Initiative puts into practice the commitment made by the city in the *Montréal Charter of Rights and Responsibilities*.



In brief

Two steps to follow to obtain a public consultation

- **Step 1:** Validation step
Make sure that your draft petition is admissible under the Right of Initiative;
- **Step 2:** Signature step
Once its admissibility has been established, have your petition signed by the required number of people.

Step 1

Presenting a draft petition

Make sure that your draft petition is admissible.

Procedure to follow:

Obtain the signatures of **25 people ages 15 years or older** living on the territory of the city or, as applicable, the borough concerned, supporting your draft petition. Among them, three will be designated to represent the group, including one acting as contact person.

Use the form provided to that effect.

For subjects under central city jurisdiction:

Form: Step 1 – Presenting a draft petition – City

For subjects under borough jurisdiction:

Form: Step 1 – Presenting a draft petition – Borough

Only the form provided by the city may be used. No other form or petition or electronic signatures will be accepted.

Once the form has been duly completed, submit the draft petition to the City clerk or, as applicable, to the borough office.

Within 15 days following the submission of the draft petition, the contact person designated by the signatories will be informed of the admissibility of the draft petition.

Certain subjects are excluded from the application of the Right of Initiative. (Appendix 1)



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Step 2

Collecting signatures on the petition

Your draft petition having been deemed admissible, you are now at Step 2, which involves collecting signatures on the petition.

The city or borough publishes a notice announcing your petition. A 90-day period, beginning on the date of the publication of the notice, is allocated for collecting signatures.

There is a set number of signatures required, i.e.:

- 15,000 for a petition whose subject falls under central city jurisdiction;
- A maximum of 5,000, or 5% of the population ages 15 years or older, for a subject that falls under borough jurisdiction (Appendix 2)

The Right of Initiative is intended for public consultations on major issues mobilizing the community, which explains the required number of signatures.

Use the form provided to that effect.

For a subject under central city jurisdiction:

Form: Step 2 – Collecting signatures on the petition – City

For a subject under borough jurisdiction:

Form: Step 2 – Collecting signatures on the petition – Borough

Only the form provided by the city may be used. No other form or petition or electronic signatures will be accepted.

All people ages **15 years** or older, **living** on the territory of the city or, as applicable, the borough in question are entitled to sign the petition.

If you obtain the required number of signatures within the prescribed period, the city or, as applicable, the borough **must** hold a public consultation on the subject of the petition.

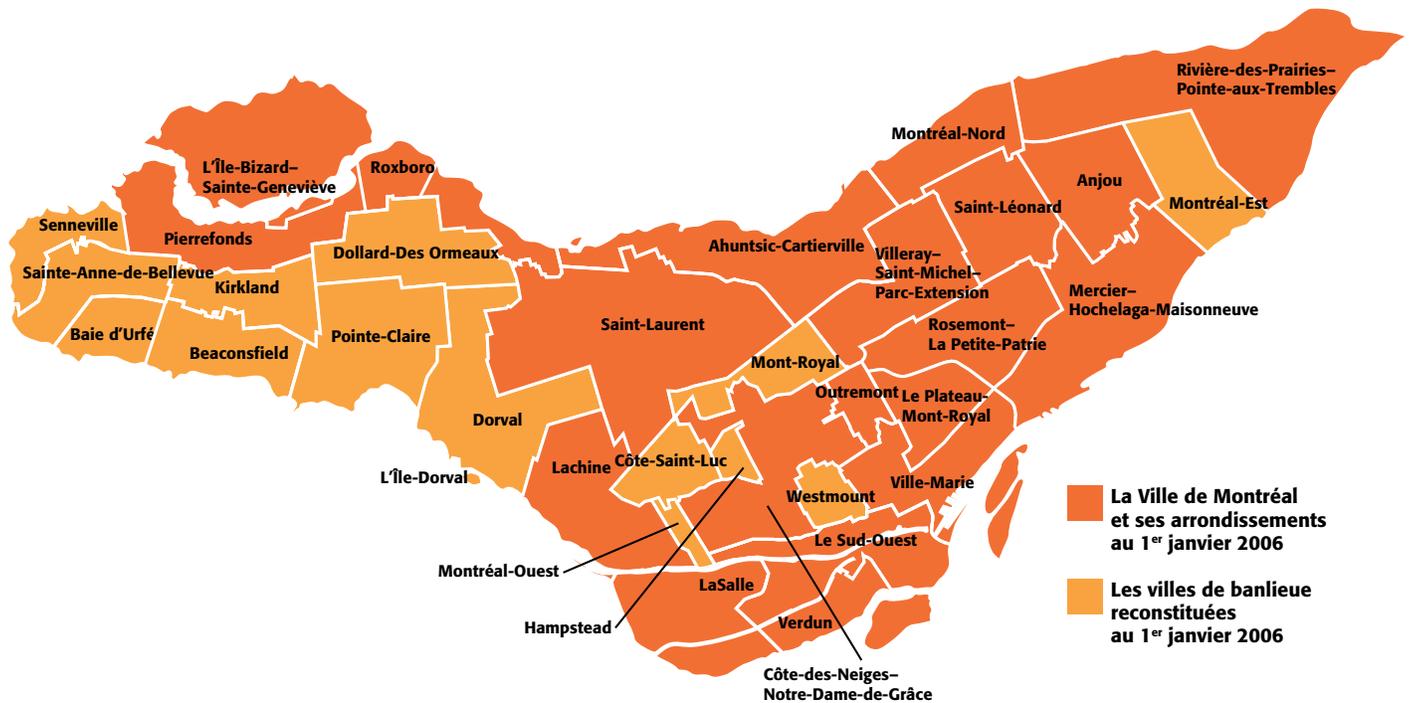


Map of Montréal territory

NOTE

Only people ages **15 years** or older, **living** on the territory of the city or, as applicable, the borough in question are entitled to sign the petition.

La Ville de Montréal et ses arrondissements au 1^{er} janvier 2006





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I - Procedure to follow

This section provides a **detailed presentation** of the steps required to obtain a public consultation.

However, the Right of Initiative process requires time and energy. Before exercising that right, you should check with your city councillor to see if the subject of your draft petition could be addressed by other means.

a) Step 1 – Presenting a draft petition b) Admissibility of the request

Depending on the subject of your request, you must first fill out the Form:

- **Step 1 – Presenting a draft petition – City**
- **Step 1 – Presenting a draft petition – Borough**

The forms are available on the site:
ville.montreal.qc.ca/right-initiative

Note: No other form or petition or electronic signatures will be accepted.

Within 15 days following the submission of your draft petition, your group's contact person will be advised of its admissibility.

c) Notice announcing the start of the signing period

Within 45 days following the answer regarding the admissibility of your draft petition, a notice is posted on the city's web site. In the case of a borough, the notice is published on its web site and in a local newspaper. The notice announces the date of the end of the signing period and the number of signatures required.

Remember:

- Check to make sure that your request is admissible;
- Clearly explain the subject of your draft petition, in succinct, respectful language. The text must not be misleading or confusing;
- Explain how the requested public consultation serves the interests of the community;
- Obtain the signatures of 25 people ages 15 years or older living on the territory of the city or, as applicable, of the borough;
- Choose, from among the signatories, three representatives, including a contact person;
- Submit the completed form, as applicable, to:
 - the City clerk's office, 275, rue Notre-Dame Est, bureau R-134;
 - the office of the borough to which your request applies.
- Make sure that the City clerk or borough office provides you with an acknowledgement of receipt.



d) Step 2: Collecting signatures on the petition

Depending on the subject of your request, you must use the Form:

- **Step 2 – Collecting signatures on the petition – City**
- **Step 2 – Collecting signatures on the petition – Borough**

The forms are available on the site: ville.montreal.qc.ca/right-initiative

Note: No other form or petition or electronic signatures will be accepted.

The signing period for the petition takes place in the 90 days following the publication of the notice.

To be deemed valid, the petition must contain a required number of signatures, i.e.:

- **15,000 for subjects under central city jurisdiction;**
- **or 5% of the population ages 15 years or older up to a maximum of 5,000 for subjects under borough jurisdiction.** (Appendix 2)

All people ages **15 years** or older, **living** on the territory of the city or, as applicable, of the borough concerned, are entitled to sign (Appendix 3). It is not necessary for signatories to be Canadian citizens.

Authorized places to collect signatures on the petition

The collection of signatures may be carried out in public places. However, it is important to avoid attracting a crowd that may pose a threat to public peace, safety or order.

e) Validation

Once the signatures have been collected, the **Petition Form** is submitted, as applicable, to:

- The City clerk's office, 275, rue Notre-Dame Est, bureau R-134;
- The borough office concerned.

Make sure that the City clerk or borough office provides you with an acknowledgement of receipt.

If the required number of signatures and the deadline for collecting them have been respected, your group's contact person will be informed of the conformity of the petition within 21 days following its submission.

f) Public consultation

Once all of those steps have been completed, the city or, as applicable, the borough, is now obliged to organize, document and hold a public consultation on the subject of your request.

The consultation allows an organized debate on the proposal of a group of citizens invested in the future of their city. Although the consultation is not a decision-making exercise, elected officials will give serious consideration to its results and publicize the reasons behind their decisions.

For details about public consultations, please see the **Public consultation** section on the next page.

Maximum number of public consultations

To ensure sound management of the city's and its boroughs' financial and human resources, the maximum number of public consultations that can be held within a given year is limited to:

- **three for subjects concerning the city;**
- **two per borough.**

However, the city or a borough may hold additional public consultations pursuant to the Right of Initiative, if it finds that it has the necessary resources.

Municipal election

No draft petitions may be submitted between January 1 and November 15 in a municipal election year, or during the electoral period in a borough where a partial election is being held.



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II – Public consultation

This section presents the **main steps** of the public consultation held pursuant to the Right of Initiative.

These main steps are in keeping with *Montréal's Public consultation and participation policy* (ville.montreal.qc.ca/public-consultation):

a) Calendar of consultation preparations

Within 21 days following the validation, a schedule will be sent to your group's contact person. The public consultation must be held within a reasonable timeframe.

b) Documentation

The city or the borough in question is responsible for gathering relevant information to allow constructive discussions during the public consultation.

c) Notice announcing the consultation

At least 15 days before the start of the consultation, a notice announcing the subject of the petition and indicating the areas where the documentation may be consulted as well as the date, time and location of the public consultation is published on the Montréal web site. In the case of a borough, the notice is published on its web site and in a local newspaper.

d) Responsibility for the consultation

- **For boroughs**, the consultation is held by the borough council, one of its commissions, or any designated committee, at the council's discretion.
- **For the city**, the consultation is held by a city council standing committee or by the Office de consultation publique de Montréal, at the executive committee's discretion.

e) Consultation procedure

The consultation is held in two parts:

- **Part 1:** the representatives of the city or, as applicable, the borough present the file and answer the citizens' questions. The people responsible for the petition are asked to explain the reasons that led them to request a public consultation.
- **Part 2:** at least 15 days later, everyone has the opportunity to express an opinion or to present a memorandum.

f) Consultation report and follow-up

The body responsible for the consultation must publish a report within **90 days** following the end of the hearing of opinions. The report outlines the participants' concerns and opinions, analyzes the proposal and **presents conclusions or formulates recommendations**.

The city or borough council, as applicable, informs the citizens of the results of the public consultation and, as required, of the decisions that have been made and the reasons behind them.



Table - Schedule and steps associated with the petition and the holding of the public consultation

SCHEDULE	STEPS - PETITION
	Complete the form Step 1 – Presenting a draft petition Filing of a draft petition
Maximum delay: 15 days following the filing of a draft petition (art. 9)	Notice of admissibility sent to the designated contact person
Maximum delay: 45 days following the notice of admissibility (art. 10)	Publication of a notice by the city or borough concerned, mentioning the subject of the petition, the start of the signing period and the number of signatures required
Maximum delay: 90 days beginning on the day of the publication of the notice (art. 10)	Petition signing period
Within 21 days following the filing of the petition (art. 16)	Notice of conformity of the petition in terms of respecting the number of signatures and the 90-day deadline, sent to the designated contact person
SCHEDULE	STEPS - PUBLIC CONSULTATION
Maximum delay: 21 days following the notice of conformity of the petition (art. 17)	Publication of the calendar of preparations and of the public consultation, and transmission to the designated contact person The consultation must be held within a reasonable timeframe.
Minimum delay: 15 days before the consultation (art. 18)	Publication of a notice announcing the public consultation The public consultation is held in two parts. - Part 1: Presentation of the file and questions from the public - Part 2: Expression of opinions
Minimum delay: 15 days (art. 20)	Between Part 1 and Part 2
Maximum delay: 90 days following the end of the hearing of opinions (art. 21)	Publication of the consultation report
	Informing the population of the results of the consultation and, when applicable, of the relevant decisions



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Appendix 1

List of excluded subjects

In terms of the application of the Right of Initiative to public consultations, certain matters have been excluded.

Right of initiative in public consultations
(By-law 05-056, Schedule B, article 3):

- (1) a rule relating to the sharing of powers, the governance or the status of the city, as provided for in the *Charter of Ville de Montréal* (CQLR, chapter C-11.4), or in any other law or order in council;
- (2) an organizational matter, such as staffing and personnel management, administrative organization and contract management;
- (3) a mainly budgetary matter, such as the budget, fees or taxes;
- (4) a matter which, under the *Charter of Ville de Montréal* (CQLR, chapter C-11.4), may be referred to the Commission de la sécurité publique;
- (5) a matter for which a law or a by-law in force requires the city to act in a specific manner, such as the negotiation and application of collective agreements, or the contract award procedure;
- (6) a matter which, by its nature, would be contrary to the *Montréal Charter of Rights and Responsibilities*;
- (7) a matter for which a public consultation process or a referendum approval is established by law, for example, matters already submitted for consultations provided under the *Act respecting land use planning and development* or under the *Charter of Ville de Montréal*;
- (8) a matter that was subject to a public consultation process in the 3 years preceding the filing of a draft petition, the period being calculated from the date of the last public meeting. The consultation must have included at least one public meeting with a public question and comment period. It must have been held under the mandate of a city body;
- (9) a matter for which a draft petition was received in the 2 years preceding the filing of a new draft petition, but that did not lead to the filing of a conforming petition after publication of the notice concerning that petition;
- (10) a matter covered by a call for tenders, pending or completed, or for which a contract has already been awarded, insofar as it could result in penalties or recourses against the city;
- (11) a decision concerning one of the commitments in the *Montréal Charter of Rights and Responsibilities*, and that may give rise to a complaint with the ombudsman;
- (12) a matter pending before the court or a matter that was the object of a judgment or an out-of-court settlement.



Appendix 2

Number of signatures required for each borough

The following figures amount to 5% of the number of people ages 15 years or older living on the territory of the borough. For highly populated boroughs, the required number of signatures is 5,000.

The number of people ages 15 years or older is determined using the socio-economic profiles of the boroughs produced by the city and based on the most recent data available from Statistics Canada.

For subjects concerning the city, the number of signatures of people ages 15 years or older and living on the territory of the city is 15,000.

All people ages 15 years or older living on the territory of the city or of the borough concerned, regardless of their citizenship, are entitled to sign a petition under the Right of Initiative.

Borough	Number of signatures required from people 15 or older
Ahuntsic-Cartierville	5,000
Anjou	1,767
Côte-des-Neiges–Notre-Dame-de-Grâce	5,000
Lachine	1,754
LaSalle	3,148
Le Plateau-Mont-Royal	4,507
Le Sud-Ouest	3,082
L'Île-Bizard–Sainte-Geneviève	751
Mercier–Hochelaga-Maisonneuve	5,000
Montréal-Nord	3,432
Outremont	929
Pierrefonds-Roxboro	2,781
Rivière-des-Prairies–Pointe-aux-Trembles	4,500
Rosemont–La Petite-Patrie	5,000
Saint-Laurent	3,793
Saint-Léonard	3,093
Verdun	2,863
Ville-Marie	3,902
Villeray–Saint-Michel–Parc-Extension	5,000



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Appendix 3

Young people's participation

The Right of Initiative provides young people ages 15 years or older with an additional opportunity to become initiated in the affairs of the city.

In general, young people don't vote much in municipal elections. In that context, the Right of Initiative represents a form of citizenship education for young people.

The participation of young people in the decisions that affect their lives is strongly encouraged by the *Convention on the Rights of the Child* and is part of the major principles of the international declarations on sustainable development.

The specific age of 15 years was settled upon for practical reasons since Statistics Canada data are published in five-year segments and remain the only incontestable means of determining the population of a borough.

ville.montreal.qc.ca/right-initiative