

Open Letter Issued by the Bureau of Municipal Research, 24 Isabella Street, Toronto 5



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CIVIC AFFAIRS

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GOVERNMENT BY THE PEOPLE

Fellow Citizens:

In Toronto, as in other Canadian municipalities, election time is frequently made the occasion for direct balloting on civic issues, along with voting for candidates. Three years ago, for example, Toronto property owners authorized the expenditure of an estimated \$15,900,000 for the rehabilitation of the Regent Park area and thus set in motion the first subsidized low rental housing scheme in the Dominion of Canada. This January, the full electorate dealt with two questions. They approved a proposal to seek legislation making commercial sport legal on Sunday, and they agreed to a change in the election date to the first Monday in December.

Over the years the referendum has served as an important means of settling local government policies. At the close of World War I, it was used to decide on the purchase of the Toronto street railway system and to approve the operation of this new public enterprise under Commission control. By the same means, the partial tax exemption on small dwellings was first introduced and later re-affirmed. In 1921, the residents of Ward 9 (the former Town of North Toronto) were given an opportunity to express their feelings on the annexation which had taken effect some years earlier, with the result a substantial endorsement of the newer status. The same year, a general referendum secured for the citizens the introduction of daylight-saving time. The City electors of 1922, on the other hand, flatly rejected a proposal to pay salaries to Board of Education trustees. In the 'thirties', the voters approved free transportation on the T.T.C. for members of the Amputations Association and persons with passes issued by the Canadian National Institute for the Blind. Finally, among the fifty questions voted on during the last thirty years, by far the most common use of the referendum has been to seek the approval of property-owners on proposed capital undertakings. In the main, those who have registered an opinion on such questions have endorsed the plans put forward although, on occasion, an unfavourable vote has acted as a brake on large capital commitments.

Government by Representatives

In a city of 675 thousand people, it would be physically quite impractical and ridiculously time-consuming to conduct all the affairs of the citizens through meetings open to the full body of civic voters. For

this reason, the idea of direct participation in civic government has long been abandoned in favour of what we call representative democracy. Through the nomination meeting and the ballot box, each voter delegates the day-to-day supervision of local government to his representatives on the City Council, the Board of Education and the Separate School Board. The major work of civic government is supervised directly by these bodies, while the operation of public utilities, the control over the public libraries and the conduct of the police force is in turn delegated to subsidiary Boards or Commissions. The choice of good men for civic office is, in consequence, the most important responsibility in the hands of the electorate. Nor is the job finished when the choice has been made. Throughout the year, elected representatives should seek to maintain continuous contact with the wishes of their electorate, while the onus for achieving this healthy relationship lies just as much with the voter as with the Council-member or trustee.

Government by Referenda

The referendum, as normally employed in Toronto, has been of two main types. The first is the submission of questions where the assent of the electors is required under Provincial law. The major item in this category is money by-laws which, with certain specific exceptions, must come to a public vote. The second is the consideration of other questions of general policy at the option of the local Council.

In publicizing a question to be voted on by the electors, this distinction is not always given sufficient emphasis. The 1946 vote on the T.T.C. Rapid Transit scheme, for example, because it was essentially a financial undertaking, was submitted only to those electors qualified to vote on money by-laws (generally speaking, the property owners). Many electors were under the impression that their approval was a vital preliminary to actual construction. In fact, such approval was not needed on two counts. No debentures were required immediately; and debentures issued later could be authorized by the Council with only Ontario Municipal Board approval. However, the question as submitted and approved called for the assumption of one-fifth of the cost by the Dominion government, and when work was commenced without any such assurance, the electors had good reason to feel aggrieved. The explanation then that voter-approval had not been legally required, and the decision to proceed without submitting a revised question at the polls, certainly did not make for improved public relations.

Responsibility for this bungling in the use of optional referendum should not be placed entirely on the shoulders of the particular Council which allowed work to get under way on the subway without a second vote. For the question, as first submitted, was quite badly worded. If greater care had been given in framing the original question, the entire controversy might have been avoided.

In 1945, when the Council decided to submit the Rapid Transit plan to the voters, a Dominion grant in support of the work was far from assured. True, a Dominion cabinet minister had been quoted as saying that the project would qualify for a grant. Yet any close inquiry into the situation would have revealed that his statement depended on several rather large 'ifs'. The money would be available only--if the Dominion-provincial conference achieved agreement incorporating the grants scheme--if the Province accepted the T.T.C. project as part of its 'shelf of public works'--if, on examination, the undertaking met the qualifying standards set by the Dominion authorities, and--if the T.T.C. delayed the whole venture until such time

as in the opinion of the senior governments the work was needed to bolster employment. Under the circumstances, the money spent on the questionnaire was certainly wasted and, in fact, resulted in actual harm.

This blunder points up the limits within which a referendum is a useful method of deciding public questions. In a direct poll of the voters, there are only two possible answers, yes or no. Consequently, it is of prime importance that the problem be posed in such a way that the voters can line up into two definite camps. Not every question can be phrased impartially on a 'take it' or 'leave it' basis; and not every question that can be put in this form should be so considered. The issue must be clear, and the arguments well known to the electorate; otherwise direct voting is not the best way of deciding policy.

Compulsory Submissions

The referendum has an obvious use in endorsing capital expenditures that will saddle taxpayers of future years with fixed charges. The compulsory submission of money by-laws comes into this category and the only cause for regret is the growth in the number of exceptions to this rule allowed by the Provincial statutes. Where the assent of the electors is mandatory, it is the responsibility of Council, to explore proposals fully and to publicize them widely before the voter is brought into the picture. The submission at the polls should mean that these requirements have been met and that a majority of Council members favour the outlay and are prepared to speak for it in the election campaign. The point to stress in presenting such questions ought to be that the Council is seeking assent for an expenditure which already carries its full endorsement.

Optional Submissions

Much could be written on the controversial Sunday sport issue, including some criticism of its presentation and accompanying explanation to the voters. Our purpose in referring to it is merely because it provides a good illustration of the rather different attitude a Council may properly take in deciding to pose an optional question to the electors.

It is a well-known fact that the majority of Council members were opposed to seeking legislation which would authorize commercial sport on Sundays. At the same time, these members of Council apparently felt uncertain of the views of their own constituents and thought that a vote would best clarify the position. No intricate policy of municipal management was involved and the broad question was well understood by the electorate. The heavy poll, and the decision registered, coming as a surprise in some quarters, points to the value of the referendum as a means of gauging public opinion on just such questions.

Use of the Referendum

The City Council has, indeed, a wide-open field in deciding just what questions of general policy it will submit to the people. In the past thirty years, the date for holding elections has been placed on the ballot paper no less than seven times. On each of the first four votes, in 1922, 1924, 1929 and 1933, the electors rejected the proposed change from the New Year's polling date to the first Monday in December. Then, in 1936, the Council switched to the December voting date without seeking confirmation for such a move. In conjunction with the third December election, the question was asked whether a return to January 1st was preferred. Those

who voted favoured the change back by a 6 percent margin and New Year's Day voting was restored. In 1944, the question again came up and electors once more favoured January 1st. With the seventh submission of this question the first Monday in December is to be given another trial.

Perhaps experience with this particular referendum points out one or two dangers in the use of direct legislation. By the light votes polled on the issue--the election date has never drawn the heaviest poll in years when there were other questions to be decided--coupled with the varying percentages opposed to a change, we may well ask whether, at times, this question was merely resurrected to create an issue. Then when the change was made on the Council's own initiative it might certainly have been given a longer trial than two years before asking the voters to review the position. No simple change in the polling date will be sufficient to cure the voter-apathy with which interest in this question has been so frequently linked. Certainly for the next five years, no more civic money should be used to obtain an opinion on the voting date. The Council can surely be trusted to see how the December voting works out and to plan and adopt whatever further change seems advisable. For they serve their own interest, as well as the voters', by adopting the election date that will bring the largest turnout.

The two-year term is another issue that has been voted on frequently; in ten years it has been considered a total of four times. Unlike the date for holding elections, however, the Municipal Act requires the assent of the electors before a change can be introduced. Nevertheless, there is reason for suspicion that this issue, too, has sometimes been drummed up in a hurry to get over the danger of a light vote. On the first three times the question was submitted, no mention was made of a longer term for the Board of Education; on the fourth, the longer term was proposed for both Council and Board with no explanation of the amendment. Moreover, the 1948 motion to vote on the two-year term was 'sprung' in Council late in the year and was carried without adequate discussion.

The Municipal Act permits local bodies to be elected for either a two year straight term or a two year staggered term. Throughout the Province, the latter is by far the more popular option. It preserves the annual elections, ensuring that the Council will be responsive to public opinion, yet gives the individual member an assured term in office sufficient to learn the ropes; and it encourages a viewpoint favourable to long-term planning. It is difficult to understand how successive Councils seeking approval of the longer term could consistently overlook an alternative plan which has proved itself in so many Ontario centres.

In recent weeks, the suggestion has come from a number of the suburbs that amalgamation is an issue on which each existing municipality should be permitted to vote before action is taken to force this change upon its residents. If, as has been suggested, amalgamation will achieve an equalization of the tax load throughout metropolitan Toronto, aiding those municipalities with inadequate industrial assessments and charging a larger share of the cost of metropolitan development to municipalities that are more favourably situated, votes in each separate municipality might be expected to defeat the broader objective of benefiting the whole metropolitan area. True every municipality has the right to expect two factors to be recognized--assets built up by means of heavier taxation in past years, and economies achieved through careful and efficient administration. There is provision, however, for such claims to be honoured by the Ontario Municipal Board or by appointed referees acting on the Board's behalf.

As it stands, Provincial legislation permits an objection to be registered by money by-law voters in any municipality coming under an amalgamation order. The time allowed for obtaining the required signatures is short--only fourteen days--and it would not be unreasonable to seek some extension of this protest period. But the procedure now established with all its faults is reasonably sound. And at this stage, a referendum would be of questionable value.

Before the issues of metropolitan government can be properly considered much information needs to be obtained and mulled over by elected representatives and the citizens at large. The City Council approved an application for amalgamation by a sweeping majority (19-2) and the Board of Education endorsed their stand by a similar vote. Some have expressed the opinion that the decision was taken hastily, and it is possible that more complete study was warranted. And yet, the Council members have had the benefit of reports touching on the subject from the City Planning Board and the Toronto and York Planning Board; they have been supplied with the Wilson report on Traffic and Transportation, the Gore and Storrie report on water supply and sewage disposal, the Mimico Report stressing the educational problem and the First Report of the C.A.C. Metropolitan Problems Committee. They have had an opportunity, too, to question the findings and recommendations in these studies with the authors of these reports, the benefit of much information from department heads in the City Hall, and of discussions with officials in other municipalities. If, in spite of all this, the City Council can be accused of hasty action, how ready is the electorate to dispose of the question by a simple yes or no vote? Have we not, rather, an excellent illustration of the need for electors to work with and through their representatives in arriving at the best solution to most problems of local government?

As a support to sound local government, the practice of direct voting on matters of policy is a device of very restricted real value. Its worth has been proved as a method of ensuring that new capital commitments are not adopted without the due consideration of Council, reinforced by the definite approval of the electors. Even in these cases, the Council has a solid responsibility to preface the appeal to the voters by a full explanation of its plans.

For deciding matters of general policy, the referendum is an option that the Council would be well advised to use sparingly. It is useful only where the issue is clear-cut and presents but a single alternative. The referendum is no substitute for a continuing close contact between voters and their representatives. A manufactured issue, introduced at short notice, may secure a temporary revival of voting strength but its long-run result can only damage genuine public understanding of, and respect for representative institutions which are crucial to the success of local democracy.

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