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## TOWN OF FARO BYLAW 2022-11

### **A Bylaw to Establish the Purpose, Question, and Procedure for a Plebiscite on the topic of the Solar Complex.**

**WHEREAS** Section 220 of the *Municipal Act* provides that Council may create bylaws;

**AND WHEREAS** Section 150 of the *Municipal Act* provides that Council may conduct a plebiscite on subjects that are of community importance and where Council seeks the public's opinion on a matter over which the municipality has jurisdiction;

**AND WHEREAS** Section 152 of the *Municipal Act* provides that Council may establish, by bylaw, the rules of procedure for conducting a plebiscite;

**AND WHEREAS** the Council of the Town of Faro deems it necessary to hold a plebiscite on the topic of the Solar Complex;

**NOW THEREFORE** the Municipal Council of the Town of Faro in the Yukon Territory, in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### **1.0 Citation of Bylaw**

1.1 This bylaw may be cited as the "**Plebiscite Bylaw – Solar Complex**"

#### **2.0 Definitions**

In this Bylaw, the following terms shall have the meanings shown:

- 2.1 "Act" means the Yukon *Municipal Act*, revised Statutes of the Yukon 2002, Chapter 154, and associated regulations and amendments;
- 2.2 "CAO" means the Chief Administrative Officer for the Town of Faro, the Deputy Chief Administrative Officer, or their delegate;
- 2.3 "Municipality" means the municipal corporation of the Town of Faro;
- 2.4 "Solar Complex" shall mean the commercial complex situated on Lots 101 & 103 in the Town of Faro.

#### **3. Purpose of Plebiscite**

3.1 The purpose of this Bylaw is to establish the purpose, question, and procedures for seeking the public's opinion, determine voter qualification, as well as designate authority to those employees of the Town of Faro required to carry out the plebiscite.

#### **4. Question for Plebiscite**

4.1 The ballot questions shall read as follows:

*Please select your preferred option for the Solar Complex in Faro. (Mark only ONE option)*

- a. *The Town should do nothing at this time and review the situation at the end of May 2023.*
- b. *The Town should try to actively list the Solar Complex ("as-is") for sale, until September 30, 2023, before any decisions are made.*
- c. *After completing Asbestos Removal, the Town should demolish and remove the Solar Complex building.*
- d. *After completing Asbestos Removal, the Town should renovate the Solar Complex building as funding is made available.*

**5. Plebiscite Process**

- 5.1 Ted Baker is hereby appointed Returning Officer for the Solar Complex Plebiscite in the Town of Faro.
- 5.2 The Returning Officer is hereby delegated the authority to appoint polling officials in sufficient numbers to assist to conduct the plebiscite. Polling officials so appointed will include Deputy Returning Officers and Poll Clerks as necessary.
- 5.3 For the purposes of fulfilling the requirements of the Part 3 of the *Act*, the CAO or their designate shall serve as the Designated Municipal Officer.
- 5.4 Polling officials shall, during their employment, refrain from any active or public support or criticism of any plebiscite option.
- 5.5 The following honorariums shall be paid to persons acting as polling officials, other than full time officers or employees of the Town of Faro:
  - Returning Officer \$25.00 per hour
  - Deputy Returning Officer \$20.00 per hour
  - Poll Clerk \$18.00 per hour
- 5.6 The Polling location shall be the Council Chambers in the Town of Faro – Town Office.
- 5.7 Voting on the plebiscite shall be held Monday, September 12, 2022, and the hours of the poll shall be from 8:00 a.m. to 8:00 p.m.
- 5.8 Unless otherwise disqualified, every person shall be qualified to vote who
  - a. is a Canadian Citizen;
  - b. is the age 18 years or older on the day on which the poll was taken; and
  - c. is a resident of the municipality and has resided in the municipality for a period of six

months preceding the day the poll is taken.

- 5.9 Where there is question, residency shall be established as per section 49 of the *Act*.
- 5.10 All individuals meeting the eligibility criteria contained in Part 5.8 of this bylaw and wishing to cast a ballot shall be required to register by swearing or affirming the Oath of Eligibility, contained in Appendix A of this bylaw, in the presence of a Deputy Returning Officer.
- 5.11 Once the Voting Register has been completed, the Deputy Returning Officer shall present the elector with ballot(s).
- 5.12 As per Section 150.05 of the *Act*, within 24 hours of the closing of the polls for a plebiscite, the Returning Officer must provide a statement to the CAO that includes the number of votes cast for each of the proposed options on the ballot.
- 5.13 As per Section 150.6 of the *Act*, the result of the vote conducted in a plebiscite is not binding on a Council.

**6.0 SEVERABILITY**

- 6.1 If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

**7.0 ENACTMENT**


- 7.1 This Bylaw shall come into effect upon Third and Final Reading.


READ A FIRST TIME this 9<sup>th</sup> day of August, 2022

READ A SECOND TIME this 9<sup>th</sup> day of August, 2022

READ A THIRD TIME and finally passed this 16<sup>th</sup> day of August, 2022



  
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Jack Bowers, Mayor

  
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Larry Baran, CAO



**Town of Faro**  
**Oath or Affirmation for Registration**

Do you hereby apply for registration as an elector by reason that:

- 1) You are eighteen (18) years or older on polling day;
- 2) You are a Canadian citizen; and
- 3) You have resided in this municipality for the period of six months immediately preceding polling day.

If you do swear (or solemnly affirm) that you are qualified as an elector, and therefore entitled to vote in the election in this municipality, please sign the registration form.