The following are the minutes of the Regular Council meeting held at 4:06 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Seiling, L. Armstrong, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell, S. Strickland and J. Wideman*.

Members Absent: J. Brewer and C. Zehr

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

J. Mitchell declared a pecuniary interest with respect to Items # 1 and 2 on the Administration and Finance Summary of Recommendations due to her daughter’s employment at the Canadian Clay and Glass Gallery.

D. Craig declared a non-pecuniary interest under Delegations and the Notice of Motion from B. Halloran regarding Rapid Transit due to his son recently purchasing property within the area of a proposed station on the rapid transit system.

R. Deutschmann declared a non-pecuniary interest under Delegations and the Notice of Motion from B. Halloran regarding Rapid Transit due to he and his spouse being shareholders of corporations that have an interest in a property at 10 Duke Street West, Kitchener.

T. Galloway declared a pecuniary interest under Delegations and the Notice of Motion from B. Halloran regarding Rapid Transit due to his employment at the University of Waterloo.

K. Seiling declared a pecuniary interest under Delegations and the Notice of Motion from B. Halloran regarding Rapid Transit in that two of his adult children own residential properties within the proposed corridor. He vacated the Chair during this portion of the meeting.

DELEGATIONS

a) John Erb appeared before Council with respect to an Invitation to the Duke & Duchess of Cambridge to visit Waterloo Region. J. Erb requested Council to approve a motion in support of the official invitation being sent to the Duke and Duchess of Cambridge to visit this area during their official visit this summer. He advised a scroll is available in the City Clerk’s office in Waterloo for signature and it will be presented to the Governor General.

D. Craig advised the City of Cambridge has already extended an invitation to the Governor General through the Minister of Science and Technology, Gary Goodyear.

MOVED by J. Mitchell
SECONDED by T. Cowan
THAT The Regional Municipality of Waterloo support the invitation extended by the City of Cambridge to the Duke and Duchess of Cambridge to visit Waterloo Region during their upcoming Canadian visit in July 2011.

CARRIED

b) Chair Seiling called on T. Galloway to present the award for design excellence from the Ontario Association of Architects, presented to the Waterloo Region Museum and Moriyama and Teshima Architects in association with The Walter Fedy Partnership. The design excellence award recognizes the innovative skills of Ontario architects in creating spaces, buildings and communities that respect and enhance the environment and enrich human activity. The Waterloo Region Museum was one of 15 buildings awarded out of 150 submissions.

K. Seiling vacated the Chair and J. Wideman assumed the Chair.

c) Brenda Halloran’s Notice of Motion -Rapid Transit

i) Andrew Dodds appeared before Council noting the community needs to move forward on this issue and a referendum is the wrong choice at this time. He stated the public has had plenty of opportunity to be involved and the issue is too complex to take out for a referendum. He stated the councillors are elected to make decisions.

ii) Sean Simpson, Kitchener appeared before Council in his capacity as an associate Vice President of Ipsos-Reid. He advised his company conducted a poll commissioned by Taxpayers for Sensible Transit and he shared the results of that poll. A copy of his presentation is appended to the original minutes. He advised the demographic shows that there should be a referendum. Members of Council inquired what questions were asked. S. Simpson replied the survey started with an awareness and reference to a 10.5% tax increase. He stated the results show a cry for more information and a desire for more input.

iii) Kevin Thomason, Waterloo appeared before Council stating he cannot support a referendum on this issue. He outlined the reasons he cannot support a referendum, including that they hurt those involved and funding could be in jeopardy. A copy of his presentation is appended to the original minutes.

iv) Dianne Ensing, Waterloo appeared before Council requesting them to avoid a referendum as this issue is too large and complex. She values regional government and stated this is why we have a representative democracy.

v) Tim Mollison, TRITAG.ca appeared before Council in opposition to a referendum, as it is a costly proposal and will result in additional costs for the project. He also expressed concern with low voter turnout and the expectation of people to be informed on this proposal and stated the debate has gone on long enough. A copy of his presentation is appended to the original minutes.

vi) Greg Michalenko, Waterloo appeared before Council noting the concept of a referendum is a good one and provided examples of other referendums. He stated there can be voter agendas. There is a need for revenue sharing and stated in this atmosphere a referendum will not work.
vii) Jan d’Ailly, Waterloo appeared before Council stating he is fully aware of the
democratic process and stated there are two main responsibilities of a councilor. One
is to uphold a proper, open, fair, transparent process when making decisions and the
other is to ensure they understand the issues and be well informed. He stated rapid
transit is not a black or white, yes or no decision and there has been a myriad of
opportunity for public input. This is not the time to change the process and hold a
referendum.

viii) Duncan Clemens, Kitchener appeared before Council advising a referendum is a
good, democratic tool but is not wise at this time due to the time delay and costs that
will be incurred as well as the risk to upper level government funding. This matter has
been studied and discussed for over five years and through two municipal elections.

ix) Paul Cyr, Kitchener appeared before Council in opposition to holding a referendum,
given all of the feedback received from the community on rapid transit and the potential
risk to the funding from senior levels of government. A copy of his presentation is
appended to the original minutes.

x) Ondrej Recnik, Waterloo appeared before Council stating a referendum is not
necessary. It will only create additional costs or put the project at risk.

xi) Councillor Nicholas Ermeta, Cambridge appeared before Council to speak up for
Cambridge residents who are discouraged as they do not feel they are being listened
to. He stated a referendum is a great way to get people engaged and asked Council to
consider timing a referendum with the Provincial election to save costs and get a higher
voter turnout. A member of Council questioned why these concerns have not been
forwarded to Regional Council and N. Ermeta advised that is why he is before Council
today.

xii) Kareem Shehata, Waterloo appeared before Council, stating he is glad to be living in a
representative democracy and Council are the experts in governance. The role of a
councillor is to make decisions in the best interest of the Region as a whole and he
urged Council to step up and show leadership and not support a referendum.

B. Halloran presented her notice of motion, stating it is unfortunate to be at this position. She
advised during the election campaign last Fall she heard loud and clear from residents in
Waterloo that they are opposed to light rail transit. She stated the voice of the citizens has been
lost and the referendum is the only option.

J. Mitchell could not support the motion as she said enough time has been given for people to
provide their input and it would also not be fair to those presenting at the public input meeting
this evening.

G. Lorentz requested a recorded vote. He advised he will not support a referendum and the
Region needs to move forward with a solution for public transit in this community.

S. Strickland stated it is important not to confuse the debate on the rapid transit issue with the
referendum question and he noted it is too late in the process to be proposing a referendum.
He stated no one wins with a referendum and the role of Council is to build the community and
bring it together.

J. Haalboom commented she is here as the people’s representative and cannot support a
referendum.
L. Armstrong referenced concerns raised about the Township mayors having a vote and stated he is a regional councillor and takes that job very seriously. He cannot support the referendum.

C. Millar advised the Provincial government recognizes there are times municipalities are faced with a need to hear directly from their citizens and enabled them to hold referendums. She supported the motion.

J. Wideman noted a submission to councillors from C. Zehr who was not able to be present at the meeting. He is opposed to a referendum. J. Wideman advised that he also cannot support the referendum.

MOVED by B. Halloran
SECONDED by C. Millar

WHEREAS the Region of Waterloo has identified rapid transit as a factor in maintaining and improving quality of life within the Region;

AND WHEREAS a variety of technologies involving Bus Rapid Transit and/or Light Rail Transit have been identified as the most viable and beneficial options;

AND WHEREAS members of the public have voiced their concern about the cost and type of rapid transit;

AND WHEREAS members of the public have demanded an opportunity to make their opinions count;

THEREFORE BE IT RESOLVED THAT the Council of the Regional Municipality of Waterloo:

1) direct staff to develop a question or questions to be put to affected electors within the Region of Waterloo in a referendum, asking electors to vote on their preferred rapid transit option between Option L3 (LRT from Conestoga Mall to Fairview Park Mall and aBRT from Fairview Park Mall to the Ainslie Street Transit Terminal) OR Option B10 (BRT from St Jacobs Market to Ainslie Street Transit Terminal).

2) direct staff to report to Council no later than June 29, 2011.

MOTION LOST
Yeas: T. Cowan, B. Halloran, C. Millar
Nays: L. Armstrong, J. Haalboom, R. Kelterborn, G. Lorentz, J. Mitchell, S. Strickland, J. Wideman
Excused: D. Craig, R. Deutschmann, T. Galloway, K. Seiling

K. Seiling assumed the Chair.

MINUTES OF PREVIOUS MEETINGS

MOVED by J. Haalboom
SECONDED by R. Kelterborn
THAT the following Minutes be approved:

a) Council – May 11, 2011  
b) Planning & Works – May 24, 2011  
c) Administration & Finance – May 24, 2011  
d) Closed Committee - May 24, 2011  
e) Community Services - May 24, 2011  

CARRIED

COMMUNICATIONS

a) City of Kitchener regarding Support for Rapid Transit Referendum was received for information.

b) City of Cambridge, three Resolutions from May 30, 2011 Council Meeting regarding LRT/BRT Options, Full Public Transit for Seniors and Rapid Transit Referendum was received for information.

MOVED by T. Cowan  
SECONDED by J. Haalboom  

THAT Council go into Committee of the Whole to consider reports.

CARRIED

FINANCE REPORTS

a) F-11-041, P2011-08 Janitorial Cleaning – Various Grand River Transit Locations

MOVED by S. Strickland  
SECONDED by R. Deutschmann  

THAT the Regional Municipality of Waterloo accept the following proposals from Domclean Limited for Janitorial Cleaning at the Ainslie St. terminal and Charles St. terminal in the amount of $521,447.54 and from Housekeepers of Canada for Janitorial Cleaning for the South Depot including Cambridge Centre Mall Washroom and Strasburg Rd. Depot in the amount of $288,727.69 for Proposal P2011-08 Janitorial Cleaning – Various Grand River Transit Locations at a total cost of $810,175.23 including all applicable taxes for a three year contract.

CARRIED

b) F-11-042, T2011-013 Rural Recycling and Resurfacing in the Townships of North Dumfries, Woolwich and Wellesley

MOVED by S. Strickland  
SECONDED by R. Deutschmann  

THAT the Regional Municipality of Waterloo accept the tender of Capital Paving Inc. for Rural Recycling and Resurfacing in the Townships of North Dumfries, Woolwich and Wellesley in the amount of $4,945,166.82 including all applicable taxes;
AND THAT the Regional Municipality of Waterloo approve an increase in project funds of $91,519.35 including applicable taxes, from the Roads Rehabilitation Capital Reserve Fund.

CARRIED

COMMITTEE REPORTS

Planning and Works

The Summary of Recommendations of the Planning and Works Committee was presented by Jim Wideman, Chair of the Committee.

MOVED by J. Wideman
SECONDED by T. Cowan

THAT the Summary of Recommendations of the Planning and Works Committee, dated May 24, 2011, Items 1 to 8, and 1 report from closed session, Item 9, be adopted as follows:

1. THAT the Regional Municipality of Waterloo approve the following transit service improvements, effective Monday September 5, 2011, as described in Report No. P-11-053, dated May 24, 2011, and shown in Figures 1 and 3:
   - Increase the weekday frequency of service on Route 52 AINSLIE ST. in Cambridge between the Ainslie Street terminal and Fairview Park Mall via Coronation Boulevard and King Street from 30 minutes to 15 minutes;
   - Increase Route 61 CONESTOGA COLLEGE hours of service, including service to the new Cambridge campus;
   - Add an extra bus in the midday to improve schedule reliability and provide two-way evening service on the Columbia Street branch of Route 7;
   - Implement a new Fischer-Hallman limited stop express route operating Monday to Sunday, providing 15 minute peak and 30 minute off-peak frequency service;
   - Realign Route 12 CONESTOGA MALL so that it travels the length of Westmount Road between Block Line Road and University Avenue;
   - Redesign Route 29 KEATS WAY as a two-way route connecting University of Waterloo with the large commercial centre at Ira Needles Boulevard and University Avenue, with the frequency of service increased from 30 to 10 minutes in the peak direction during peak periods and the provision of Saturday service; and,

THAT ROUTE 20 VICTORIA HILLS be reviewed following completion of the walkway improvements on Ingleside Drive to Fischer-Hallman Road with staff also reviewing stops that could be modified and/or removed elsewhere on Route 20 to achieve time parameters on Route 20;

AND THAT ROUTE 7E COLUMBIA be modified effective Monday September 5, 2011, as shown in Figure 5 of this report to establish route travel along King Street between Hickory Street and Columbia Street in the northbound direction and along Regina Street between Columbia Street and Hickory Street in the southbound direction.
2. THAT the Regional Municipality of Waterloo endorse the Greater Toronto Area (GTA) West Corridor and Niagara to GTA Corridor February 2011 Draft Transportation Development Strategies, as described in Report No. P-11-054, dated May 24, 2011;

AND THAT Regional Council formally request the Ontario Ministry of Transportation to confirm the Region of Waterloo’s participation in the forthcoming Provincial Active Traffic Management Study.


4. THAT the Regional Municipality of Waterloo extend, for an additional one year term, the existing agreements to permit the Southern Ontario Locomotive Restoration Society to operate a tourist train and locomotive restoration operation on the Waterloo Spur Railway owned by the Regional Municipality of Waterloo as described in Report CR-RS-11-029 /E-11-060 dated May 24, 2011 with such agreements to be to the satisfaction of the Regional Solicitor.

5. THAT the Regional Municipality of Waterloo amend Traffic and Parking By-law 06-072, as amended, to:

- Remove from Schedule 21, No Heavy Trucks, Anytime Except 7:00 a.m. to 7:00 p.m. Monday to Saturday on Fairway Road (Regional Road 53) from King Street East (Regional Road 8) to River Road (Regional Road 56); and
- Remove from Schedule 21, No Heavy Trucks, Anytime Except 7:00 a.m. to 7:00 p.m. Monday to Friday on Victoria Street (Regional Road 55) from Hazelglen Drive to Fischer-Hallman Road (Regional Road 58);

in the City of Kitchener, as outlined in Report E-10-035.1, dated May 24, 2011.

6. THAT the Regional Municipality of Waterloo amend Traffic and Parking By-law 06-072, as amended, to add to Schedule 20, Centre Lane for Two-Way Left-Turns on Westmount Road (Regional Road 50) from 40 metres South of Father David Bauer Drive/Westcourt Place to 220 metres South of Father David Bauer Drive / Westcourt Place in the City of Waterloo, upon completion of the construction on Westmount Road as outlined in Report E-11-048 dated May 24, 2011.

7. THAT the Regional Municipality of Waterloo approve the following waste diversion program initiatives as outlined in Report E-11-054, dated May 24, 2011, which provide for the following:

- Removal of the recycling charge for residential e-waste as of July 1, 2011;
- Addition of televisions to the curbside collection and landfill electronic waste (e-waste) ban as of August 1, 2011;
- Addition of a permanent drywall/gypsum wallboard diversion and recycling program; and
- Direct staff to investigate the possibility of a shingle diversion and recycling program.

8. THAT The Regional Municipality of Waterloo give notice to affected residents in the Lloyd Brown settlement area in the Township of North Dumfries of the intention to pass the Fees and Charges By-Law, attached as Appendix A, pursuant to Report E-11-061, dated May 24, 2011.
9. a) THAT the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation pursuant to Section 30 of the *Expropriations Act* for the acquisition of lands for improvements to Trussler Road described as Part Lots 129, 133 and 134, German Company Tract, being Part 9, on Reference Plan 58R-16917, in the City of Kitchener, Regional Municipality of Waterloo from Robert E. Kieswetter, in trust for the sum of $64,500.00, plus associated costs to the satisfaction of the Regional Solicitor; and

b) THAT the Regional Municipality of Waterloo approve, enter into Agreements for, and execute all documentation related to, the acquisition of lands for improvements to Trussler Road described as Part Lot 1, Concession 1, Block A, being Part 1, on Reference Plan 58R-16917, in the Township of Wilmot, Regional Municipality of Waterloo from Elizabeth Goettling for the sum of $7,000.00, plus associated costs to the satisfaction of the Regional Solicitor;

CARRIED

Administration and Finance

The Summary of Recommendation of the Administration and Finance Committee was presented by Tom Galloway, Chair of the Committee. Items #1 and 2 were taken separately due to the conflict of J. Mitchell.

MOVED by T. Galloway
SECONDED by R. Kelterborn

THAT the Summary of Recommendations of the Administration and Finance Committee dated May 24, 2011, Items 1 and 2, be adopted as follows:

1. THAT the Regional Municipality of Waterloo approve the 2011 grants to Arts, Culture and Community Organizations as recommended by the Grants Committee and outlined in Report CC-11-001 and the attached Appendix 1 & 2 dated May 24, 2011, with the exception of the line items in Appendix 1 related to the Canadian Clay and Glass Gallery and to the Kitchener-Waterloo Art Gallery.

2. THAT the Regional Municipality of Waterloo provide no funding for the Canadian Clay and Glass Gallery and the Kitchener-Waterloo Art Gallery from the 2011 grants to Arts, Culture and Community Organizations.

CARRIED

MOVED by T. Galloway
SECONDED by R. Kelterborn

THAT the Summary of Recommendations of the Administration and Finance Committee dated May 24, 2011, Items 3 to 6, be adopted as follows:

3. THAT the Regional Municipality of Waterloo approve the transfer of the balance of funds from the 2011 budget for Arts and Culture grants, in the amount of $32,000, to the Region of Waterloo Arts Fund and that this transfer of funding be included in the base budget for the Region of Waterloo Arts Fund commencing in 2012. [CC-11-001]
4. THAT the Regional Municipality of Waterloo work in collaboration with the new Creative Enterprise Enabling Organization and area municipalities to review municipal funding for arts and culture in the Region and that the Region maintain its current approach and policies to arts and culture funding until such time as it undertakes any changes which may emerge from such a review and appropriate funding is in place. [RC-11-002]

5. THAT the Regional Municipality of Waterloo defer the Regional Development Charge By-law Review until 2012. [F-11-039]

6. THAT the Regional Municipality of Waterloo approve the selection of Tree of Life by Ernest Daetwyler as the artwork for the Sunnyside Campus as outlined in report CR-FM-11-013 dated May 24, 2011.

CARRIED

Community Services

The Summary of Recommendations of the Community Services Committee was presented by Sean Strickland, Chair of the Committee.

MOVED by S. Strickland
SECONDED by R. Kelterborn

THAT the Summary of Recommendations of the Community Services Committee dated May 24, 2011, Items 1 to 4, be adopted as follows:

1. THAT the Regional Municipality of Waterloo sends a copy of report PH-11-024 and correspondence to the Chief Coroner of Ontario, the Chief Medical Officer of Health of Ontario, and the Minister of Health of Ontario, recommending that at least one emergency department per regional hub be equipped with a completely safe physical environment for patients at risk of suicide and mental health professionals with the expertise to appropriately assess and manage such high-risk individuals, pursuant to Report PH-11-024, dated May 24, 2011;

AND THAT the Regional Municipality of Waterloo forward a copy of report PH-11-024 to the Association of Local Public Health Agencies, the Waterloo Wellington Local Health Integration Network, Grand River Hospital, St. Mary’s Hospital, Cambridge Memorial Hospital and the Canadian Mental Health Association.

2. THAT the Regional Municipality of Waterloo request the Ontario Ministry of Health and Long-Term Care continue to fund the costs associated with the client eligibility process of Healthy Smiles Ontario until that process is centralized at the provincial level;

AND THAT the Regional Municipality of Waterloo forward a letter with the recommendation and a copy of this report to the Association of Local Public Health Agencies (alPHa), as outlined in Report PH-11-025, dated May 24, 2011.


4. THAT the Regional Municipality of Waterloo enter into a funding agreement with the Resiliency Initiative Waterloo Region as outlined in SS-11-023, May 24, 2011;
AND THAT the 2011 Operating Budget for Children’s Services be increased by $10,000 gross and $0 net Regional levy as outlined in Report SS-10-018.

CARRIED

*J. Wideman left the meeting at 5:40 p.m.

REGIONAL CHAIR

a) RC-11-003, Submission of Nomination for Lieutenant Governor’s Lifetime Achievement Award

MOVED by D. Craig
SECONDED by G. Lorentz

THAT the Regional Municipality of Waterloo nominate Peter Russell for the Lieutenant Governor’s Ontario Heritage Award for Lifetime Achievement.

CARRIED

K. Seiling vacated the Chair and G. Lorentz assumed the Chair.

REGIONAL CLERK

a) Memo: Consideration for limiting delegations at the June 15 Council meeting

C. Millar questioned if people bringing forward new information will be permitted to speak. It was agreed Council can make a decision to waive this provision at the June 15th meeting.

MOVED by S. Strickland
SECONDED by B. Halloran

THAT Council limits Rapid Transit delegations at the June 15, 2011 Council meeting to individuals who have not spoken at either the May 31 or June 1 Planning & Works Public Input meetings in order to provide a fulsome Council debate on the issue.

CARRIED

OTHER MATTERS UNDER COMMITTEE OF THE WHOLE

MOVED by C. Millar
SECONDED by T. Cowan

THAT Committee of the Whole rise and Council resume.

CARRIED

MOVED by T. Galloway
SECONDED by R. Kelterborn

987789
THAT Council adopt the proceeding of the Committee of the Whole.

CARRIED

ENACTMENT OF BY-LAWS – (FIRST, SECOND & THIRD READINGS)

MOVED by J. Haalboom
SECONDED by D. Craig

a) THAT a By-law to Amend By-law 11-015, A by-law to establish Fees and Charges for the Regional Municipality of Waterloo (Development of Lands at Airport, Grand River Transit Fares) be read a first, second and third time, finally passed and numbered 11-025 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

b) THAT a By-law to Amend By-law 06-072, as amended, Being the Region's Traffic and Parking By-law (Removal of No Heavy Trucks, Fairway Road and Victoria Street; Centre Lane for Two-Way Left Turns, Westmount Road) be read a first, second and third time, finally passed and numbered 11-026 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

c) THAT a By-law to Confirm the Actions of Council of June 1, 2011 be read a first, second and third time, finally passed and numbered 11-027 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

CARRIED

ADJOURN

MOVED by J. Haalboom
SECONDED by S. Strickland

THAT the meeting adjourn at 5:42 p.m.

CARRIED

REGIONAL CHAIR, K. Seiling
REGIONAL CLERK, K. Fletcher
LRT and Public Opinion in Waterloo Region

May 2011
Methodology

- These are the findings of an Ipsos Reid poll conducted on behalf of Taxpayers for Sensible Transit.
- A sample of 1,025 residents of Kitchener-Waterloo and Cambridge were sampled by telephone (and cellphone), including:
  - 412 completes in Kitchener
  - 311 completes in Waterloo
  - 302 completes in Cambridge
- Results were weighted according to the demographic composition of the Region.
- A sample of this size would yield a margin of error of +/- 3.1 percentage points, 19 times out of 20, of what the results would have been had all residents of Kitchener, Waterloo and Cambridge been polled. Margins of error within the population subgroupings will be smaller, including city, age and gender. The cities are as follows:
  - Kitchener (+/- 4.8 points)
  - Waterloo (+/- 5.6 points)
  - Cambridge (+/- 5.6 points)
Q6. To what extent do you agree or disagree that the Region of Waterloo should hold a referendum on its proposed light rail transit system before making a final decision? Base: All respondents n 1,025
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Presentation to Waterloo Regional Council  
Wednesday, June 1, 2011  
Rapid Transit Referendum Notice of Motion

Honourable Mayors, Members of Council, and Guests,

My name is Kevin Thomason and I am the owner of 1115 Cedar Grove Road, Waterloo.

I heard it said the other day that a referendum on rapid transit couldn’t hurt and that it might be a good way to hear ideas from the community. I believe that this is totally false. Referendums do hurt. They hurt a lot. And they don’t produce great ideas, creative thinking, collaboration, or any of the things that we need to make a world-class region.

Most referendums are wars launched into the community, pitting neighbor against neighbor, with campaigns of information and misinformation - often confusing the public more than ever. They burn out our most engaged citizens, community leaders, and volunteers. And it can take years, often even decades, to heal the divisiveness, bitterness, anger, and resentment in the community resulting after many referendums.

I am one of those volunteers who spent hundreds of valuable hours away from my start-up trying to find solutions and help the community through two recent divisive referendums.

As we saw with these referendums in Waterloo, a referendum on rapid transit would completely muzzle all Staff and Councillors, likely at both the Regional and Municipal levels. The public would be left totally on their own to try to figure this out with no public comments, no resources, no opinions, nor any guidance from the Staff and Councillors who have been most involved in this rapid transit process for years, since as soon as a referendum question is approved, all campaign rules of the Ontario Elections Act apply.

All parties, people, and corporations involved are expected to register as per the Election Act, spending limits apply, and as was discovered this past Autumn, community groups found it was even difficult simply to find a venue to hold a meeting on Fluoridation as City Staff were even reticent about renting a public building to anyone involved in the referendum.

So many good citizens on both sides who had dedicated years of their life to improving our community, and were regular contributors in all our Council Chambers have been so hurt, damaged, and burned out by recent referendums that they have disengaged and dramatically curtailed their involvement in our community.
I've heard citizens involved in this rapid transit project saying they would never endure another referendum and its personal, emotional, and professional toll - and that they would move out of our community before going through it all again.

We should not be driving out our most engaged citizens regardless of what side they are on. We need to be working together, collaborating, and creatively finding the solutions we need to ensure that our community is world-class - not spending our time bickering and infighting in intense, divisive battles that may only yield referendum outcomes little different than recent polls.

Any delay risks our provincial and federal rapid transit funding and as you heard repeatedly last night, our growth is amongst the fastest in the country, we are on top of the world, and we need solutions to our growth challenges now if we are to remain attractive, compete effectively, and have the highest possible quality of life for all of our citizens.

Those who are calling for a referendum need to explain how they propose to replace these rapid transit funds should they be lost or revoked. We need to know how they plan to deal with growth and fund our needed infrastructure should this rapid transit plan be rejected or problems arise with a referendum that costs us our funding like Ottawa.

The state of California has become crippled by referendums and has fallen from one of the leading US states to now one of the worst. It is an example of extreme democracy gone wrong according to the Economist – one of the most respected publications in the world. The unintended consequences of their multiple referendums and recalls has been devastating. I urge to you to read these articles that I've circulated that describe the endless California referendums as a circus that has lead to mediocrity and failure at all levels.

We don’t need a referendum here. We need your leadership now. This isn’t about being popular – it’s about the best long-term, 50 to 100 year decisions for our community.

With hundreds of thousands of people already arriving, we need the superior LRT solution now, not a referendum, to best manage our rapid growth, and to ensure the best possible future for our community.

Thank you.

Kevin Thomason
Phone: 519-888-0519
kevinthomason@mac.com
The people's will
The people's will

California is an experiment in extreme democracy gone wrong, says Andreas Kluth. But reform could make it a model for others.

In the sweltering June of 1852, two years after California became a state and at the height of the Gold Rush, August Schuckman “came to the first sand desert” on the trail to the land of his dreams. It stretched for 41 miles. His wagon trek entered “at night and rode 19 hours in it,” Schuckman recorded in his journal. By the time they reached the next desert, the oxen died of thirst. “Thousands of cows, horses and mules were lying about dead,” Schuckman wrote. “The discarded wagons by the hundreds were driven together and burned.”

In his matter-of-fact tone, Schuckman, a German immigrant, described what many of the pioneers endured as they pursued the first incarnation of the California dream, a dream of El Dorado, of a Golden State. Hardship and risk-taking, hopes and crushing disappointments have been part of Californian lives ever since, through booms and busts, euphorias and depressions.

Indeed Mr Schuckman, one of hundreds of thousands who came to California during the Gold Rush, was so typical that he might have remained anonymous, had he not sired an impressive line of Californians. One of his grandsons was Pat Brown, governor from 1959 to 1967. Brown played a big part in defining that generation’s California dream—a vision of prosperous middle-class living—by building many of the freeways and aqueducts that today connect and irrigate the vast and dry state, and by turning its public universities into some of the world’s best factories for talent and innovation.

And one of Schuckman’s great-grandsons is Jerry Brown, Pat’s son. This Brown was one of California’s youngest governors between 1975 and 1983. This year he again became governor—at 72, California’s oldest. And, commencing his third term during one of the worst economic crises since the second world war, Mr Brown chose to quote from his immigrant ancestor’s journal in his inauguration address.

In doing so, Mr Brown wanted to remind Californians to keep dreaming and enduring as August Schuckman had once done, and to put today’s troubles in perspective. Yes, many Californians have lost their homes, jobs, health care and welfare services, Mr Brown implied. But they are not burning wagons and their lives will improve again, as Schuckman’s did.

It is striking that such a reminder should even be necessary in a state that once symbolised optimism. But such is the Californian state of mind today. Superficially, California might still resemble its old self. In becoming governor this year, Mr Brown succeeded a former Hollywood star (Arnold Schwarzenegger), just as he did in 1975 (Ronald Reagan). The palm trees, surfers and redwoods are still there. So is Disneyland. But the state has, at least for the time being, ceased to be the world’s dream factory.

Instead, California is now called a “dysfunctional”, “ungovernable” and
In brief
California's direct democracy explored

Key terms
- **Referendum:** A vote in which the citizens accept or reject a proposal such as a law passed by their legislature.
- **Recall:** A vote by the people to remove an elected official from office before the official's term expires.
- **Initiative:** A measure put on a ballot by a petition of citizens (usually called simply a "measure" if put on the ballot by the legislature).
- **Proposition:** An initiative or measure that has qualified for a ballot and received a number in a cycle starting with 1 every ten years.

Sources: Centre for Governmental Studies; Field Poll; Legislative Analyst's Office; Census Bureau

1 in 8 Americans live in California

> “failed” state. When Mr Brown began his first stint as governor, California had an AAA credit rating, the best there is. Today its rating is A-, the worst among all 50 states and not much better than “junk”. The boss of JP Morgan Chase, America’s second-largest bank, last year told investors that he was more worried about California’s solvency than Greece’s. For three years and counting, California has been mired in a budget crisis. At its nadir, the state was paying its bills in IOUs instead of cash.

California is extremely unlikely to default on its bonds (if only because its constitution ranks bondholders ahead of everybody except schools to get paid). But it has already defaulted on the expectations and dreams of many of its citizens. Since the recession began, California has had to cut its spending by more than the size of the entire budget in most states. And it will have to cut a lot more.

Behind these cuts is human hardship—poor families who will no longer get subsidised child care to allow the parents to work, old and sick people who no longer receive visits from carers, pupils who sit in larger classes and get less attention, young people who can no longer afford to pay the higher tuition fees of the state universities. And things will get worse before they get better. California will face structural deficits of about $20 billion a year for quite a while, according to Mac Taylor, the state’s non-partisan legislative analyst.

The immediate cause for this cataclysm was the recession. The housing bust and foreclosure crisis struck hardest in the “sand states” of the south-west—California, Nevada and Arizona—and in Florida. At 12.2% as of February, California now has the second-highest unemployment rate (after Nevada) of all American states, compared with a national figure of 8.8% in March.

At first blush, the current crisis might appear to be just another iteration in the endless Californian story of boom and bust. To count just the gyrations since Mr Brown’s previous governorship, there was the defence boom of the 1980s that made swathes of southern California (an aerospace centre at the time) prosper, which turned into a bust (the “peace dividend”) in the early 1990s from which the region never fully recovered. There followed the dotcom boom in the late 1990s, which promised to make silicon the new gold in the San Francisco Bay Area. It became the dotcom bust after 2000. Then came housing.

Culturally, Californians seem to accept such feast-or-famine living more than others. Their northern neighbours like to remind visitors of the famous fork (somewhere in today’s Idaho) in the Oregon Trail that led the wagon trains to the Pacific coast. The builders and settlers, goes the story, followed the Snake and Columbia rivers and became Oregonians and Washingtonians. The gamblers and risk-takers turned south on the California Trail over the Sierra Nevada, ready to strike it big or not at all.

Indeed, California even today amplifies its boom-bust cycles. Consciously or not, it has built a tax system that is not only incomprehensible to its citizens but unusually volatile, relying disproportionately on income taxes, and especially on the capital-gains taxes of its wealthiest residents. When times are good, taxes spout. When times are bad, revenues disappear. The state, constitutionally barred from running deficits (as the nation as a whole may), thus expands and contracts in an automatic and anti-Keynesian wave pattern that exaggerates ups and downs.

But to conclude from this history that California merely

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needs to wait for the economic tide to turn once again would be disastrously wrong. Warren Buffett, renowned as much for his aphorisms as for his investing, has said that “you only find out who is swimming naked when the tide goes out.” And each ebb during the three decades since Mr Brown’s first reign has revealed California less dressed than before. Each flood then briefly restored its modesty. But this latest ebb has shown the state to be stark naked.

The rip tide of democracy

That nakedness, the result of a gradual stripping over decades, has nothing to do with housing or foreclosures or internet shares. Nor is it the fault of individual governors. Instead, it has to do with governance. For what is unique about California is not its set of challenges (pupils, pensioners, prisoners, to list just the rs), which differ in scale but not in kind from those elsewhere. It is its brand of democracy, as this special report will show.

California’s democracy is not at all like America’s, as conceived by founders such as James Madison. The federal constitution is based on checks and balances within and among three and only three branches of government—executive, legislative and judicial. That is because Madison feared that popular “passions” would undo the republic, that majorities might “tyrannise” minorities, and that “minority factions” (i.e., special interests) would take over the system. America’s was therefore to be a representative, not a direct, democracy. “Pure democracies have ever been spectacles of turbulence and confusion,” Madison wrote, “and have in general been as short in their lives as they have been violent in their deaths.”

This notion did not travel well to the vast emptiness of America’s frontier. The likes of August Schuckman were rugged individualists who trusted themselves more than any representative to run their affairs. So they instinctively embraced a direct and participatory form of democracy which they imported (with consequential alterations) from Switzerland, adding a fourth branch of government to the three existing ones.

For much of the 20th century the resulting governance structure did no harm because voter initiatives were used sparingly. But then, starting in 1978, the culture and system mutated. Jerry Brown was governor when Californians passed Proposition 23, ostensibly an anti-tax measure but in reality a fundamental change with vast, and mostly unforeseen, consequences. It led to hundreds of ballot measures as citizens increasingly legislated directly and in tense competition with their own representatives.

This special report will chronicle how such voter legislation stripped California naked, leaving it unable to respond to external shocks such as the current economic crisis. This story is of global interest, for California has inadvertently made itself a negative model for other democracies. As Nathan Gardels, an adviser to the Think Long Committee for California, a new and promising reform effort, puts it, California has become a “diet-Coke civilisation of consumer democracy, of services without taxes, like sweetness without calories, of rights without duties”.

California thus stands as a rare, and perhaps unique, counterpoint to the many countries whose main problem is a lack of democracy. At a time of turmoil in the Arab world, California is a reminder that democracy, like capitalism, can take many different forms, and that it is intended as a means to an end, the end being liberty. Should it ever mutate into a counterproductive form, reform becomes necessary.

Fortunately, such reform has now become not only possi-
DIRECT DEMOCRACY

Origin of the species

From Athens via Switzerland to the Wild West

ONE HUNDRED YEARS ago Hiram Johnson, one of the most consequential governors in California's history, called a special election. Johnson was a leader of a movement that reacted to America's industrialisation by demanding for women's suffrage, direct election of United States senators (originally chosen by state legislatures) and other expansions of democracy. In this Californian election voters had to decide on three new types of balloting: referendums, recalls and initiatives. They accepted them all with enthusiasm.

And thus, in October 1911, California adopted the three tools of modern direct democracy. It was not the first state to do so. South Dakota had adopted initiatives in 1898, and Utah, Oregon, Montana, Oklahoma and other states had begun mixing their own cocktails of direct democracy from the three ingredients. Referendums, in which voters approve or reject laws already passed by a legislature, were the least radical change. Recalls, in which voters remove elected representatives and even judges in midterm, seemed more adventuruous.

But initiatives (called "propositions" in California once they are listed on an actual ballot) had the most potential to turn politics upside down. They turn voters into legislators, since a successful initiative becomes statute. In states like California, initiatives can even turn voters into founding fathers who amend the state constitution. There are worlds of nuance in the detail. The package that California chose was especially powerful.

Californians thus explicitly chose a path that diverged from the one America's founders had taken. To understand California's problems today you need to know what tradition California departed from. James Madison, Alexander Hamilton and their peers, as they met for the constitutional convention in Philadelphia in 1787, had deliberately rejected direct democracy. So why did Californians second-guess them?

Deeply versed in the classics, the founders had seen ancient Athens as the main historical example of direct democracy. In that city every male adult citizen voted in the assembly and there were no distinct executive or judicial branches. But this was also the Athens that condemned Socrates to death, rashly launched a disastrous pre-emptive war against Syracuse and barely survived repeated oligarchic coups before succumbing to undemocratic Macedonida. Greek thinkers such as Aristotle and Polybius concluded that democracy was inherently unstable because it led to mob rule (in the same way that monarchy deteriorates into tyranny and aristocracy into oligarchy). Those three elements: monarchy, aristocracy and democracy, thus had to be balanced for a state to remain free, they argued. Rome (before the emperors) became the prime example of such a mixture. It was a republic, a "public thing", but not a democracy, a thing "ruled by the people". It had executives (in the shape of two annually elected consuls), an elite in the senate, and outlets for the vox populi in the popular assemblies.

To this Roman ideal of republicism the thinkers of the Enlightenment added more liberal notions of freedom. John Locke injected a rather English emphasis on property and individualism. France's Baron de Montesquieu, a huge influence on America's founders, celebrated the commercial aspects of liberty. He also spelled out the separation of powers between the executive, legislative and judicial branches.

Against this intellectual backdrop, much of the famous debate that took place in 1787 and 1788, as the states had to ratify the proposed new constitution, was about how indirect America's democracy should be. Both sides showed fealty to the historical ideal by writing under Roman pen names. Madison, Hamilton and John Jay, in the Federalist Papers, wrote as Publius, one of republican Rome's first consuls. The Anti-Federalists opposing the constitution wrote as Brutus, the other consul, or as Cato.

The Anti-Federalists made a populist case for a direct democracy in which citizens participated actively, says Thomas Pangle, a professor at the University of Texas at Austin. The Federalists considered this view naive and dangerous. The society they envisioned was to be large, diverse and commercial. Madison, in particular, worried that a majority might oppress minorities, and that elected representatives might legislate out of "passion".

Above all, Madison understood that a large and diverse nation would necessarily have many antagonistic "minority factions", or special interests in today's language. He wanted to contain these interests safely within a republican structure. Yes, they should have representation, but they should all compete against one another in the House of Representatives. The resulting laws would then be filtered through the Senate and the two other branches. As George Washington memorably told Thomas Jefferson, this was a "cool" House legislation as a saucer cools hot tea.

The Federalists won the debate, and America's constitution (though much amended) remains the most durable in existence today. It balances not only minority factions, as well as populism and elitism, but also the federal and state governments. This is why, in the 19th century, Switzerland took an interest in it.

Switzerland after the Napoleonic wars faced a situation quite similar to America's a generation earlier. Several independent states (cantons) needed to band together in a stable confederation that preserved both unity and diversity, and thus freedom. After a small but traumatic civil war between Protestant and Catholic cantons the Swiss decided in 1848 to import America's constitution almost wholesale.

But Switzerland already had its own tradition of democracy. Starting in the 14th century, farmers in the Alpine valleys had formed assemblies not unlike those in ancient Athens in which all men made laws. They also sent delegates to co-ordinate poli-

VOTERS HAD TO DECIDE ON THREE NEW TYPES OF BALLOTTING: REFERENDUMS, RECALLS AND INITIATIVES. THEY ACCEPTED THEM ALL WITH ENTHUSIASM

cy (building a road, say) with farmers in other valleys. Such agreements had "to be carried back", ad referendum in Latin, for approval in the assembly.

The Swiss grafted this tradition of direct democracy onto their American-style federal constitution. For the first time in history, initiatives and referendums thus became a regular part of national, as opposed to local, governance. But the details of this Swiss system were designed to serve its cultural and political purpose. As Corina Casanova, Switzerland's federal chancellor, puts it, "we strive to solve conflicts through consensus and com-

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promise. "Direct democracy seems to work. It works with a great deal of enthusiasm. But it requires a great deal of work. If the legislature is not willing to contribute, the initiative process won't work. It requires a great deal of effort to make it work."

The same applies to initiatives. Citizens may launch one or two serious initiatives, but if they don't have the backing of the legislature, they won't succeed. This means that behind the scenes, initiative committees and the authorities engage in a process of bargaining, says Ms Casanova. "The legislature presents a good alternative, sponsors may withdraw their initiatives, and many do. This is a process that prevents conflicting initiatives as the various committees and the authorities engage in a process of bargaining."
tion that enraged California’s Progressives. Hiram Johnson was especially livid. He had begun as a histrionic prosecutor in bribery and graft trials where he won the fame that launched him into politics.

From the start, Californian direct democracy thus had the opposite social purpose of its Swiss mother. As Ms Casanova says, the Californian system was designed to be “counterfortable.” For example, it is quite difficult for petitioners to call a referendum, which merely passes judgment on a decision by elected representatives, but it is easy to launch an initiative, which circumvents the legislature by letting citizens make law.

California is also unique. In America and the world, in treating an issue successfu as irreversible (unless the initiative is rescinded or otherwise). The legislature cannot change it. In effect, this makes initiatives a higher class of law. In California they are of the constitution. And where as Switzerland ensures that different initiatives are mutually compatible, California makes no such effort. A single ballot can contain directly contradictory initiatives, in which case the one with the most votes wins.

Direct democracy in California is thus an aberration. It has no safeguards against Madison’s tyranny of the majority. It required his system that might cool the passions of the people. The initiative, in fact, was a device intended to contain majority factions. It has also been a problem to work out by ballot if the initiative is otherwise. Proposition 13 would have been a disaster.

But in many of this system was yet to dawn. The system had the potential to be an effective, but its actual effect was to depend on context and usage. Indeed, the number of ballot measures, once the novelty wore off, declined and stayed low as the Southern Pacific’s power faded naturally. For decades, immigrants populated the state, and most problems seemed to take care of themselves. But in 1978, an unprecedented initiative that raises the state to this day. Proposition 13.

**PROPOSITION 13: War by initiative**

A case study in unintended consequences

**DURING JERRY BROWN’S first term in the 1970s his hair was still full and dark. His voice was not yet gravelly. Unlike his back-slapping father, he still bore traces of the Jesuit seminary where he had once studied to become a priest. He meditated on Zen koans. He declined the governor’s mansion and slept on a mattress in a rented flat. He dreamed of large things whose time had not yet come, such as green energy. And yet, or perhaps because of all this, Jerry Brown failed to notice the anger boiling over in his state.**

Californians were angry about property taxes. These local taxes were the main revenue source for school districts, cities, counties and California’s many specialised municipal jurisdictions. And they had been rising. A homeowner’s property tax was determined by two factors. One was the rate, the other the assessed value of the house to which the rate was applied. These assessments were soaring. Between 1972 and 1977 home prices in southern California more than doubled, thus doubling homeowners’ tax bills. Mr Brown and the legislature fiddled with relief measures, but their bills were half-hearted and the taxpayers were angry.

Into the angel stepped a man named Howard Jarvis. In personality he was the antithesis of Jerry Brown, which made him an unlikely figure. He was a Utah newspaper publisher who had moved to California, attempted and failed to become a senator, tried his luck in Hollywood and now ran a business of property owners. He, too, was livid. “I’m Mad as Hell,” he later screamed in the title of his autobiography. Some posters showed him with a raised fist.

Jarvis decided to circumvent the legislature and take the matter directly to voters. In this sense, property taxes became the analogue to what the Southern Pacific Railroad had once been, the focus of popular anger, the obvious target on the next ballot. Indeed, a quintessential example of why the initiative process was necessary at all.

With a partner, Jarvis sponsored an initiative that would become known as Proposition 13. It cut the property tax rate from an average of 2.6% to 1% in every county. It also capped the increase in assessed values to at most 2% a year, unless the property was sold. To prevent the resulting revenue loss from being made up with other charges. Proposition 13 also required two-thirds super-majority in the legislature for any tax hike.

The opposition, which included much of the state’s elite in both parties, stood little chance. Mr Brown tried to make a visceral case for an alternative initiative, but hardly anybody paid attention. On June 6th, 1978 Californians went to the polls and, by a margin of almost two to one, approved Proposition 13.

The first and immediate consequence was relief for homeowners and a corresponding emergency for local governments as revenue from property taxes dropped by more than half. Almost overnight, it seemed as though cities would have to close parks and counties would have to deny their residents medical and welfare services. Schools would have to lay off teachers and eliminate summer programmes and advanced classes.

Mr Brown, meanwhile, performed a stunning act of the. Having campaigned against Proposition 13, he suddenly decided to implement it zealously. Jarvis was so pleased that he endorsed Mr Brown, who was re-elected five months after Proposition 13 passed. The governor’s new nickname was “Jerry Jarvis.”

But cities, counties and schools were not going back to the state had a budget surplus and decided to bail out local governments by passing to them roughly the amounts they had lost in property-tax revenues. The following year that one-off transfer turned into a permanent financing mechanism. Even the remaining property-tax revenues would henceforth be allocated by the legislature in Sacramento.

In effect, cities, counties and school districts thus lost their funding independence. Instead of local governments setting their own taxes, they became tenants of the state. The resulting flow of payments is notoriously opaque—and also ironic, given that Mr Jarvis and his supporters thought of themselves as “small-government conservatives. A central tenet of American conservatism is to decentralise power. But one unintended consequence of Proposition 13 was “the centralisation of virtually all finance in Sacramento”, says Lenny Goldberg, director of the California Tax Reform Association.
Today this centralisation is one of the biggest differences between California and other states. Bruce Cain, at the University of California, Berkeley, and Roger Noli, at Stanford University, identify it as the "distinctively dysfunctional element." California transfers about 71% of its state revenue to local governments. Because the money comes from the state, local administrators no longer have much incentive to spend it efficiently.

**Production-line politics**

But Proposition 13 cast its shadow far beyond finance. It changed political culture. Up to this point, the initiative process had been described as a "safety valve". Now it became an industry and a circus. Proposition 13 had made Mr Jarvis a celebrity. He graced magazine covers and made a cameo appearance in "Airplane", a 1980 film. Hollywood types, Silicon Valley tycoons and other big egos took note and started their own initiatives.

So did James Madison's "minority factions", the special interests. The teachers' union attacked from the left. The prison guard's union charged from the right. From environmentalists and potheads to evangelical Christians and Indian tribes, from insurers to oil and tobacco companies, the initiatives poured forth. Ballot measures have amended the constitution to prohibit gill nets and to regulate how fowl are to be kept in coops. They have authorised faster trains and new hospitals, mandated ever tougher sentencing laws and governed DNA sampling and stem-cell research.

As the numbers of initiatives surged, the qualification process changed beyond recognition. Hiram Johnson and his Progressives had envisioned idealistic volunteers petitioning citizens for signatures and debating causes they believed in. But after Proposition 13, signature gathering became an industry and access was determined by money.

An entrepreneur named Ed Koupal is usually credited with setting the precedents that circulators of petitions follow today. With his wife, Joyce, he developed the "table method" of signature-gathering. A group of paid professionals put the paperwork on a folding table in a mall or public plaza and then roam around the table, approaching passers-by. They do their best to avoid discussing the subject of the petition, instead ushering people to the table, where another team member pressures them into signing in conveyor-belt fashion.

Another tactic is the "clipboard method". A signature-gatherer finds a slow-moving queue at a bus stop or cinema, then "works the line", from which people cannot easily escape. The record is apparently held by a circulator who once gathered 700 signatures in one day by going through a queue for the Tutankhamun exhibition at the Los Angeles County Museum of Art.

That circulator gathered signatures for Kimball Petition Management, founded by Fred Kimball and considered the seed of the industry as it exists today. Rather than wait passively for clients (ie, sponsors who need the signatures to qualify their initiatives for the ballot), Mr Kimball came up with his own ideas for initiatives, then sought out someone rich to sponsor them.

As his son, also called Fred Kimball, explained to The Economist, the pricing for signatures today is based purely on market conditions. The circulators are independent contractors who work for several petition-management firms at the same time and often have four or more petitions simultaneously on their folding tables. They "sell me their signatures", says Mr Kimball, and he in turn charges the sponsor a mark-up.

Early in the 150-day collection period, prices might start at 10 or 20 cents per signature. As the deadline approaches, they rise, perhaps to several dollars. Some sponsors bid more than others, and a hard-working and determined circulator can earn up to $50 an hour. Since paid circulators, unlike volunteers, are interested only in volume, not the underlying cause, the quality of the signatures is low. Many are illegible, incorrect or fake (some people sign...
"Mickey Mouse". Then a verification process gets going.

Several states, including Colorado, Idaho and Nebraska, have tried to ban paid circulation and return to volunteer petitioning. But America's Supreme Court overturned these efforts in 1988, arguing that they would violate free speech. In California the result has been to push up the cost of qualifying an initiative into the millions.

But even that is small change compared with the cost of the media campaign that ensues once a measure is on the ballot. Before Proposition 13 spending on initiatives was about $500 per elector. A decade after Proposition 13 it was about $2,000, as opponents in each camp blanketed the airwaves and filled mailboxes with the histrionics of their propaganda. The upshot, as Karen Bass, the Democratic speaker of the state assembly, puts it, 'is that only billionaires can change the state constitution. All he has to do is spend money and lie to people.'

The initiative culture as it exists in California today may thus resemble James Madison's worst nightmare. Passions are inflamed rather than cooled. Confrontation replaces compromise as minority factions battle one another with rival initiatives. In 2009 Ronald George, at the time California's chief justice, worried publicly about the effect on liberty: "Has the voter initiative now become the tool of the very types of special interests it was intended to control, and an impediment to the effective functioning of a true democratic process?"

As though to provide a historical bookend, even the Southern Pacific Railroad got into the game. In 1990—by which time it was just another special interest—it financed a successful initiative to issue $2 billion in bonds for expanding rail transport. Few Californians appreciated the irony of their one-time boogeyman co-opting the process invented as a defence against it.

How the initiative process has redistributed power

1971 A CONFERENCE of state legislators concluded that California's "comes the closest to having all the characteristics that a legislature should have". A lot of people agreed. In the mid-1970s a political scientist, William Muir, was so impressed by the collegiality, expertise and diligence he witnessed in Sacramento's capitol that he called his book "Legislature: California's School for Politics". It was, he said, "the finest in the world."

Alas, Mr Muir was working on an academic time scale and his book, though researched before Proposition 13, was not published until the 1980s. By then the initiative storms were buffeting the legislature. And thus another perfectly good book title became the victim of terrible timing as a model political institution turned into a caricature of itself.

Today Californians reserve a special disdain for their legislature. When Arnold Schwarzenegger called legislators "girlie men", Californians for once agreed with him. In a poll last December by the Public Policy Institute of California (ppic), a non-partisan think-tank in San Francisco, 82% of voters disapproved of their legislature and only 12% approved: blood relatives and paid staffers, as the joke goes.

California's legislature must therefore have undergone a stunning decline in the past three decades. What role the initiative process had in this deterioration is a chicken-and-egg question. In Hiram Johnson's day initiatives seemed to be needed as a check on a venal legislature. Now perhaps a dysfunctional legislature is triggering a plethora of initiatives as citizens take matters into their own hands.

The alternative view is that the initiative process, by mutating into a virulent form after Proposition 13, caused the decline of the legislature. This side includes Joe Mathews and Mark Paul, authors of "California Crackup: How Reform Broke the Golden State and How We Can Fix It". Because of the cumulative onslaught of citizen legislation, "lawmakers slowly lost their control over pieces of the law, then over the budget," they argue.

Too small for the job

Clearly the legislature suffers from some problems unrelatable to the initiative process. For a start, it is almost comically small, given California's size. America's most populous state has the 35th-largest legislature, with 120 legislators (80 in the assembly, 40 in the senate) representing some 37m people. A Californian legislator thus represents three times as many people as does his counterpart in New York or Illinois. This must be a bad thing. Voters in California tend not to know their representatives.

For candidates it means that money becomes a crucial issue. Politicians cannot shake enough hands and therefore need to saturate the media to make themselves known. This costs money and makes them beholden to big donors. That is why Democrats in Sacramento are often in the pockets of the 'doctors' or nurses' union and Republicans in those of the prison guards' or cops' union.

That dependence is one explanation for the hyper-partisan animosity in the capitol. This exists all over America, but California has more than its fair share. It did not help that primary elections have for years been partisan affairs in which candidates on each side are chosen by their respective extremists before advancing to the general election. Gerrymandering, the practice of legislators drawing their own district boundaries to suit themselves, made things even worse. (It might also explain why the same voters who claim to loathe their legislators re-elected every incumbent on last November's ballot.)

The initiative process, in this case, may prove to have done some good. Last November voters approved a measure to adopt a so-called top-two primary system in which all voters, irrespective of party affiliation, vote in the primary and the winners, also irrespective of party affiliation, proceed to the general election. In another initiative, voters handed the power of drawing district boundaries to an independent commission. In time, these two steps may help moderate candidates.

In other respects, however, initiatives have made partisan gridlock worse. Until last November an initiative required two-thirds supermajorities in both chambers to pass a budget (although yet another initiative has now returned this threshold to a simple majority). And Proposition 13 added the requirement of two-thirds supermajorities for any tax increase. Until very recently, California was thus the only state that required supermajorities to decide both revenues and appropriations.

As voters intended, this made it easier to lower taxes than to increase them. The legislature could provide a favoured group with a new tax loophole by a simple majority, but eliminating the same loophole at some later point would require two-thirds. But there were also, as usual, unintended consequences. A supermajority requirement means that one "no" vote in the legislature counts the same as two "yes" votes. It thus doubles the power of the minority party, as long as that party has more than one-third of the legislature and can force its members to vote as a block. In California the Republicans are in that situation.
Messrs Mathews and Paul argue that the Republicans have become what game theorists call "hostage takers". They discovered that, although they could not pass laws by themselves, they could block the most important ones, including the budget. Simply by stalling, they could thus paralyse state government until the majority party made some concession to one of the Republicanlobbies. This is the main reason why California has so often had stale budgets. The Republicans gambled that voters would blame either the majority party or the entire legislature. The Democrats rejected blame as though they were the minority party. The initiatives that imposed the supermajority rules thus made the legislature less, not more, accountable.

At the same time many other initiatives, incrementally and stealthily, usurped power from the legislature through "ballot-box budgeting". More than 100 of the initiatives of the past two decades promised something for nothing, such as cutting a tax or expanding a service. Of those initiatives, about two-thirds passed. Who could be against better mental health care, or against locking up criminals longer to keep the streets safe? Public parks sound good, as does pristine nature. And so forth.

More and more of the budget that became allocated before the legislature ever sat down to negotiate. Karen Bass, the previous leader of the state assembly, says that "we have control of only 10% of the budget." Whatever the precise percentage is, voters long ago seized most power of appropriation from their legislature. This is highly undesirable. The mandate of representatives in a Madisonian republic is to analyse the trade-offs inherent in any policy. For example, an inmate in a Californian prison costs about $47,000 a year to keep. If that inmate is non-violent, would this money be better spent on educating several children (who might then avoid becoming prisoners a decade hence and instead pay taxes)? The ballot box does not allow for such deliberation.

Voters, however, see things differently. They do not blame themselves but their legislature for California's recurring budget crises. In this, they resemble "the boy who murders his mother and then complains that he's an orphan", as Messrs Mathews and Paul put it. Increasingly irate, voters then want to chaste the legislature even more.

The best example was Proposition 140 in 1990, which made California one of the first three states to adopt term limits for legislators. Fifteen states now have these in some form, but California's are among the strictest: six years in the assembly and eight years in the Senate. At a casual glance on a ballot paper, term limits might seem like a great idea. If legislators can't be trusted, why let them get entrenched? Fixed terms might bring in fresh faces.

In practice, however, term limits too have had unintended consequences. First, they banish expertise from the capitol on a regular basis. In the days when William Muir praised California's "school for politics", new lawmakers often spent years learning their trade in various committees before becoming leaders of their party or chamber. They had well-paid permanent staff who researched the various policy areas.

Such learning has become impossible. In every election cycle, at least ten senators and 27 assembly members are termed out. So term limits, says Ms Bass (who was termed out last year and is now a national representative in Washington, D.C.), really mean that "the first two years you're trying to figure out where the bathroom is, the last two years you're running for something else. That leaves two years in the middle."

This once again contributes to partisan rigidity. "Knowing they won't be around for a long time, there's no incentive to compromise," says Gary Moncrief, an expert on legislatures at Boise State University in Idaho. With so little time, every vote counts as legislators try to repay their debts to the donors who put them in the job and prepare their next career move. They need not worry about a politically convenient vote that has long-term costs because those will be the problem of a different set of legislators.

In 2002 Idaho's legislature became the first to repeal that state's term-limits initiative. Legislatures or courts in five other states have since followed. But California does not allow initiatives to be amended, so they remain until the issue comes to the ballot box again (which may be next year).

The net effect of all initiatives is that the legislative branch of California's government has been split in two. The initiative process, originally meant as a safety valve, has in reality become a rival to the legislature. Two law-making bodies—the voters and their representatives—are in open competition. The tragedy is that this undermines democracy by eliminating one of its main purposes: accountability. Schools have suffered the most.
A lesson in mediocrity

California’s schools show how direct democracy can destroy accountability

EVERYTHING ABOUT CALIFORNIA’S school system is complicated, starting with the question of how bad its public schools are. Comparisons show that students in California fare worse than the national average in mathematics, reading, science and writing. But the numbers are unfair, says John Mockler, an expert in Californian education who has been following its fortunes since the 1960s. For instance, half of California’s pupils are Hispanic, and 40% of those hardly speak English. Most other states don’t face this problem.

Nonetheless, there is a broad consensus that California’s public schools are not what they could be, nor what they used to be. California ranks 47th among the 50 states and the District of Columbia in spending per pupil ($7,886, against an average of $11,379). It ranks last in the number of students per teacher. California’s legislative analyst estimates that most classes have 28-31 pupils. And it ranks 42nd in the proportion of pupils who graduate (63%, against a national average of 69%).

Indeed, it would appear that California, at some point in the past generation, must have decided to disinvest in its children and to reallocate resources to such things as prisons. When Mr Mockler first started examining school finance in the 1960s, California spent about 5.6% of personal income on schools. It now spends 3.5%. For a state that sees itself as a pioneer of the global “knowledge economy”, that seems bizarre.

So who made this decision? Or, as John Syer, a professor at California State University, puts it sardonically: Who might be accountable for the bad schools? Is it local school boards, or the state board, or the education secretary, or the superintendent of public instruction, or the governor, or somebody else?

Start with the governor, who is elected, as in all 50 states. He appoints a secretary of education, a member of his cabinet. Oddly, however, that secretary (and thus the governor) does not have much power in this area. For the state’s education department is headed by a superintendent of public instruction, who is directly elected and thus answers only to voters, not to the governor. He in turn chairs a state board of education (the other members of which are again appointed by the governor).

 Californians, in fact, insist on this sort of confusion in their entire executive branch. Thus they directly elect eight statewide officers (governor, lieutenant governor, attorney-general, secretary of state, controller, treasurer, superintendent and insurance commissioner). Often these officers are at war with one another. For the two decades starting in Jerry Brown’s second term, and again during most of Arnold Schwarzenegger’s tenure, the governor and his lieutenant even belonged to different parties.

In this respect California is, again unusual. Only 14 states separately elect a superintendent of public instruction, 12 a con-

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often eludes Californians, voters passed still more initiatives to restore the school spending whose tax financing they had cut.

The main such measure, on the 1988 ballot, was called Proposition 98. Its main sponsor was the California Teachers Association, the largest spender in Californian politics, which hired Mr Mockler to draft it. His original text, as he now describes it, was still simple enough to be comprehensible: “You [ie, schools] get what you got last year, adjusted for the increase in students and the increase in personal income per capita.” So school spending would generally rise in line with demand and affordability. Mr Mockler added a provision that, following good fiscal years, the
How voters decide

What do you know?

Citizens are not as well-informed as they think

"A POPULAR GOVERNMENT without popular information or the means of acquiring it is but a prologue to Farce or Tragedy perhaps both," James Madison wrote. "A people who mean to be their own Governors must arm themselves with the power knowledge gives." The question in any democracy, but especially a direct democracy in which citizens legislate at the ballot box, is how much voters do in fact know.

A prior question may be what voters think they know. When the Public Policy Institute of California (PPIC) polled Californian voters in December, just after the most recent election, fewer than half the respondents said that they had confidence in their fellow voters to make public-policy decisions at the ballot box. This was the first time in PPIC's polling that a majority appeared sceptical about the initiative process. But voters seem to be more concerned only about the state of other voters' knowledge, not their own.

This must be why most respondents to the same poll said they were either "very happy" or "somewhat happy" that they had nine measures to decide on this latest ballot. This response was similar to that in 2008 (12 measures) and 2006 (9). Many Californians believe that the initiative process needs major (42%) or minor changes (34%). But two-thirds of voters are generally "satisfied" with the way it is working.

This implies that voters are reasonably confident in their own understanding of the state's affairs. Indeed, in another poll in January a majority of likely voters told PPIC that they have either "some" or "a lot" of knowledge about how state and local governments spend and raise money.

But when presented with a list of the state's four biggest spending categories, only 22% of likely voters correctly named public schools as the largest. The most guesses (42%) went to prisons, which are actually the smallest category of the four. More specifically, the largest group among those who expressed confidence in their own knowledge incorrectly chose prisons as the biggest item.

Their grasp of state revenues was no better. Only one in three likely voters correctly named the personal income tax as the main source of money, with many choosing motor vehicle charges (16%) and sales taxes (15%).

This was a very general knowledge test, but individual ballot measures require much more detailed understanding. So a different survey, the Field Poll, on two occasions in recent years asked specifically about the most famous initiative of them all, Proposition 13. Since voters passed it in 1978, it has remained in the news constantly because it touches every aspect of state policy and finance. One of the most basic facts about Proposition 13 is that it applies the same tax cap to all property, whether residential or commercial. A recurring reform proposal would introduce a "split roll" so that commercial property can be taxed differently. Proposition 13's defenders then hit the airwaves to denounce the proposal. In short, it is hard to miss the fact of equal treatment for

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**School spending per pupil ($'000, 2010 prices)**

<table>
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<tr>
<th>Year</th>
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<td>2001</td>
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<td>2002</td>
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Sources: Legislative Analyst's Office
all property. So the Field Poll asked what it considered the easiest question: whether Proposition 13’s tax reduction applied “only to residential property taxes, only to commercial property taxes, or both”. Only about one in three respondents correctly answered “both”.

However, the main surprise was hidden in the details. Political scientists normally assume that the older, more educated, wealthy and attentive voters are, the better informed they will be. But Kimberly Nalder, a professor at California State University in Sacramento, discovered that in this instance the opposite was true. The factors that usually indicate greater knowledge instead predicted “not only a lack of accurate understanding but actual misinformation”.

Thus Miss Nalder found that the best-educated (those with more than a master’s degree) were most likely to answer incorrectly that Proposition 13 applies only to residential property. Those with the least education (high-school dropouts) were most likely to get it right. Similarly, those who were already of voting age when Proposition 13 passed were most likely to answer incorrectly and the youngest correctly. The same pattern held for income, with wealthier respondents being more likely to be misinformed. Perhaps most intriguingly, the largest group among homeowners (who directly benefit from Proposition 13) were misinformed, whereas the largest group of renters (who do not benefit) answered correctly.

These results are puzzling and troubling. As Miss Nalder suggests, perception (as opposed to knowledge) of issues such as Proposition 13 appears to have more to do with “self-interest and a potential blindness to issues outside of one’s own experience” than with the content of the legislation. This would explain why those respondents who were “non-citizens” or “registered elsewhere” (probably recent arrivals) were more likely to give the correct answer than voters who are registered where they live.

It’s all too difficult

The longer that people live in California, it seems, the more likely they are to be misinformed, and possibly brainwashed into ignorance. The supporters of Proposition 13, says Mr Nalder, have for three decades framed the debate as the “little guy versus the established powers”, with images such as those of a grandchild being taxed out of her home. Homeowners who are happy with their low property taxes might therefore ignore the fact that large firms, trusts and hedge funds which own commercial property benefit just as much, because that would “disrupt that clean narrative”. They also ignore the fact that property taxes elsewhere are high.

In theory, the solution to this misinformation already exists. It is the official voter-information guide issued by the secretary of state before every election. It is genuinely impartial and thorough. But it is also daunting. Depending on the number of ballot measures, it can be a tome and the perfect way to spoil a weekend. Only one in three voters told the PPIC that it was the “most helpful” information source in their decision. (Moreover, they did not specify how much of it they had actually read.)

The rest relied on advertisements, the internet, media coverage and the like. What this mostly means is attack ads, financed by the opposing campaigns and their proxies. In the run-up to an election all of California turns into a shouting match, with union members (or environmentalists, or marijuana lovers, or whoever) taking to the roads and shoving signs (“Yes on 39”, “No on 31”) under windscreen wipers. At home the robocalls continue the onslaught. In such an atmosphere Miss Nalder’s findings about misinformation should not be all that surprising. For amid all this confrontation, there is virtually no de-liberation and analysis.

Many voters are conscientious. They try to read the wording of the initiative, but find it forbidding. The language is dense legalese, often containing double or triple negatives. And the measures have inexorably been getting longer. In the 1980s each typically contained between 1,000 and 3,000 words, which seems more than long enough. But nowadays they often exceed 10,000 words apiece. Two measures on the 2006 ballot weighed in at more than 17,000 words (half as long again as this special report). And one ballot can contain a dozen of these.

So it is surprisingly common for a voter to cast a yes ballot when he means no, or vice versa. In one notorious example from 1980, the label on a measure was “rent control” (later changed to simply “rent”). It was in fact an initiative by landlords who wanted to get rid of rent control. A later study revealed that 23% of vot-
Burn the wagons

California must move before its next crisis

CALIFORNIA IN THE 21st century faces a question that would fascinate the classical and Enlightenment thinkers who influenced America's founders. Most of them stipulated that participatory democracies must be small. Their populations should be culturally homogeneous. And they must be virtuous.

California, though, is the most populous and diverse state in America, and no more or less virtuous than any other modern society. The historical achievement of America's federal constitution was to create a republican structure that would preserve liberty and stability even in a large and diverse society. The price was to make democracy indirect and less participatory. Can California avoid paying that price?

This special report has shown how one of the three ingredients of direct democracy, the initiative process, has, cumulatively over the past three decades, caused much of the dysfunction that paralyses California whenever it suffers an economic shock, as it is doing at present. Does it follow that California must get rid of the initiative process?

It is a moot question because Californian voters would never agree (in what it would have to be an initiative) to end initiatives. Ronald George, California's former chief justice, says that "people will never vote to give up their own power." The best we can hope for is to make the process "less extreme".

That, indeed, may be all that is required. In Switzerland, whence California imported the idea, the initiative process works well. In some of the other 23 American states that practise some variant, it works better than in others. So the problem is not direct democracy as such, or even the initiative process, but the details of its Californian variant. It needs to be fixed, not eliminated.

The main goal of reform must be to make the initiative process and the legislature work together, rather than against each other. That is the only way to stop what Bruce Cain at Berkeley and Roger Noll at Stanford call the "downward cycle of legislative failure and initiative reaction". The idea is to allow and encourage dialogue in law-making - between voters and the legislature, and among the special interests.

One option is to encourage referendums to discourage initiatives. Referendums, by passing popular judgment on acts of the legislature, do not subvert representative democracy but hold it accountable. Initiatives, which are themselves legislation, can damage representative democracy. California would not be in its current mess if referendums, not initiatives, had become the main expression of direct democracy in the past century.

Initiatives should not only be rarer but also shorter. argues Bob Stern, the president of the Centre for Governmental Studies in Los Angeles. Their language should be simpler, so that more voters understand what they are deciding. As in Switzerland, the legislature should get a first look at any draft and be allowed to respond with its own alternative, or to refine the wording.

Once an initiative has run through these filters and succeeds on the ballot, the legislature must be able to revisit the subject in due course. California should consider allowing initiatives only to enact statutes, as many other states do, not amend the constitution. Another practice used in other states is to "sunset" all initiatives - after a decade, say - by requiring explicit

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> reauthorisation from voters or the legislature. This, too, offers protection against unintended consequences that usually reveal themselves only with time.

Together, these steps are likely to minimise the greatest problem with the initiative process, ballot-box budgeting. But reform must make this goal explicit. All initiatives must be clear about their effects on taxation and spending. A measure must indicate where the necessary revenues are to be found, or what other programme is to be cut. Today, “people vote for initiatives out of emotion, they do not realise that initiatives cost money,” says Karen Bass, the former assembly speaker. Once they understand the economic trade-offs, their emotions are likely to cool.

Because problems in the initiative process and the legislature are like chicken and egg, any reform must simultaneously deal with the representative arm of democracy too. That part, in fact, has already begun. Gerrymandering has ended as an independent commission is due to redraw the map for candidates for the first time this summer. The next primary election will be open to all voters irrespective of party affiliation. And an initiative to modify, if not eliminate, term limits on legislators will be on a ballot next year.

But reform should go further. Its aim should be to re-invest the legislature with the credibility it once had. Californians should make it bigger so that each lawmaker represents roughly as many constituents as his counterparts in other states do. And they should make the legislature unicameral, as Nebraska’s already is. America originally imported the idea of two chambers from Britain, where the bicameral system balanced two inherently different social classes (commons and lords). At the federal level, America applied that system to balance different sources of legitimacy (the people and the states). But California has nothing analogous to balance between the two chambers, so they just cause confusion.

The executive branch, in turn, must become more accountable. It might seem, but is not, paradoxical that this means electing fewer statewide and local officers and giving them more chance of working, it is tempting to call a constitutional convention. America as a whole has not had one since 1787, and many of its states hold them quite frequently. Alaska, Connecticut, Georgia, Hawaii, Illinois, Louisiana, Michigan, Missouri, Montana and Rhode Island are among those that have had at least one since the second world war. California has not had one since 1879. The risk, however, is that in California such a convention would deteriorate into the same old food fight among the special interests, which tend to oppose reform.

The alternative is to use the same ballot box that has caused so much of the trouble. Indeed, many of the recommendations made above are being discussed by a new group called the Think Long Committee for California. Funded by Nicolas Berggruen, a wealthy international investor, this committee, half a year old, already has unrivalled cachet. George Schultz and Condoleezza Rice, Arnold Schwarzenegger, Google’s Eric Schmidt—all the state’s great and good seem to be part of it. Their deliberations will result in a string of initiatives that will be put before voters in 2012 and beyond.

Change has a better chance of coming about this way than through a constitutional convention. Thanks to Mr Berggruen’s support—he has already committed a first dollop of $20m—the effort will not fail for lack of money (the fate that befell a push for a constitutional convention last year). The risk is instead that voters will pass some reforms but not others, not realising that they must be integrated.

One way or another, the next few years in California might see perhaps the liveliest debate about freedom and governance since Federalists and Anti-Federalists argued in 1787-88 about whether or not to ratify America’s new constitution. Lovers of democracy and liberty everywhere still study that old debate. They will now also pay attention to California’s, for it will provide lessons for everyone.

Such a global spotlight may elevate the debate as Californians are reminded of their responsibility. They may even rediscover the spirit of pioneers such as August Schuckman, the current governor’s great-grandfather—the man who came to California in pursuit of his life dream but had to brave the unforgiving deserts during his wagon trek, losing oxen, horses and mules along the way. When it became necessary, his group burned its abandoned wagons, then moved on and built a state. After the past few years of hardship, Californians might just be ready to do something equivalent today. ■

THE NEXT FEW YEARS IN CALIFORNIA MIGHT SEE THE LIVELIEST DEBATE ABOUT FREEDOM AND GOVERNANCE SINCE FEDERALISTS AND ANTI-FEDERALISTS ARGUED IN 1787-88 ABOUT THE NEW CONSTITUTION
Hi, I’m Tim Mollison, I live in downtown Kitchener, and I’m here to represent the The Tri-Cities Transport Action Group, or TriTAG. TriTAG was founded in May 2009 with the idea that people should be able to walk, cycle, and take transit to everywhere they need to go, with dignity. These modes should be accessible to as many people as possible, and made as useful as possible, because transit and active transportation are better for the environment, public health, and the form of our cities.

This referendum proposal is a costly exercise indeed to deal with residents’ concerns over cost that you have already addressed.

Upon your taking office, staff located 19% in cost reductions to this project that have already been applied - an accomplishment that clearly reflected the community’s desires at the ballot box last October.

Since staff reported back to you in February, the project’s cost has been held steady at $818 million 2014 dollars; $256 million of those 2014 dollars being our Region’s share. Past June 15, for every working day this decision is deferred, you can add $100,000 to the final project cost. A referendum question you get back from staff on June 29 would have its first chance... in January 2012, which would add $12 million in project inflation costs to the cost of the ballot itself. This is the best-case scenario.

What’s the worst-case scenario? In 2006, Ottawa found itself bickering over its LRT costs - that indecision cost them $200 million in federal grant funding.

So, before you vote on this motion, please ask yourself this:

Where did Ipsos-Reid get the idea that the LRT portion of the Regional Transportation Master Plan is to cost a 10.5% tax increase at $700 per household? Your planned RTMP increases contain funding for roads, transit, *and* LRT.

How likely is the type of person who consents to a telephone poll to say they want to participate in more opinion-gathering exercises like plebiscites?

Do you believe it is reasonable to expect over 50% of the Region’s residents to read the 6 years and over 1,000 pages of reports given to you by your staff?

Given that turnout for your own elections was around the 30% mark, and the turnout at the public consultation centres, do you believe that 50% of the community is engaged enough on this issue to give you a binding result?
Are you prepared to lose up to $565 million in grant money for whatever rapid transit option you prefer by delaying a decision?

How much are you willing to spend properly funding both sides of the debate to keep special interest money out of the process?

Given how nasty and divisive this debate has become, and how complex the question, do you believe that the appeals process will only take six months, with groups on both sides of the aisle filing appeal after appeal against a referendum question destined to be imperfect? What will be the cost to future civic engagement and community building?

Who will speak for the 185,000 new people this project is supposed to serve who haven’t moved to the Region yet, and thus would not be eligible to vote in a referendum?

Whether you plan to support the staff proposal on June 15 or oppose it, please dispose of this motion - the LRT debate has gone on long enough. It’s time to put this issue to rest, so we can unite as neighbours to welcome our 185,000 new neighbours to our Region.

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Tim Mollison
Mr. Chair and members of Regional Council,

Thank you for the opportunity to speak to you today, regarding Mayor Halloran's motion for a referendum on the rapid transit proposal. Over the past five years, I have been heavily involved in this issue. I have attended numerous public consultations, provided written feedback to staff on multiple occasions, spoken at previous public input sessions at Council, and emailed you all regarding my viewpoints on the issue.

In our community, the feedback has been immense. You and your staff have received feedback from thousands of residents, totalling hundreds of pages. We have spent countless hours filling out comment sheets, writing emails, and preparing speeches to Council. We have spent many hours providing you and your staff our preferences, suggestions, and evaluations for the rapid transit proposal. By the end of tonight, you will have heard from everyone who was concerned enough about this project, to spend even just a few minutes over the past two years to provide you with their opinion. Everyone who has wanted their voice heard, will have had their voice heard.

We have done our due diligence. We have spent our time reading, writing, and speaking, with the expectation that Regional Council would fulfill their responsibility to us, by weighing the data, reports, and public input, and make a decision. Instead of Council fulfilling their dues, however, Mayor Halloran's motion would entrust the most critical decision facing this region to those who have not cared enough about this issue to even pick up the phone or write you an email. Mayor Halloran would give those who didn't care enough to speak out about this issue, have control over this issue. Politicians often express criticism and disappointment at declining civic engagement. Yet, on this crucial decision, those who have shown an extraordinary level of engagement would be told that they wasted their time.

Proponents of a referendum point to the Ipsos Reid poll, in which a wide majority of residents indicated they would support a referendum. In other words, the majority of residents who agreed to complete a telephone poll, indicated they would like to answer another poll. The Ipsos Reid survey does not indicate the level of conviction to which respondents support a referendum, nor does it indicate if they would be in any way discontent if a referendum was not pursued. To argue that the Ipsos Reid poll indicates that we should pursue a referendum, is to argue conclusions based on data that simply does not exist.

The issue with a referendum goes beyond the disrespect to those who have been engaged to date. Anyone who has been involved the rapid transit process is well aware of the immense amount of information that studying such a complex and critical decision has created. In fact, the reports available on the rapid transit website total over 1,100 pages. This is the essential reason why we elect representatives to act on our behalf. I am sure that no councillor would expect any reasonable number of voters to review even a tenth of the reports available. Voters cannot and should not be expected to review hundreds of pages of documents, in order to cast an educated ballot. This is the very essence of representative democracy. Regional councillors have spent over five years studying
this issue. You know the information, you know how that information was developed, and as a council of intelligent people you know that by June 15th, you will have all the information you need to make a reasonable decision on this complex issue.

On the most practical and tangible level, if you support rapid transit, regardless of whether you believe BRT may be a better choice than LRT, a vote for referendum is a vote to kill rapid transit, both BRT and LRT.

Nearly one year ago, the provincial government committed $300 million to this project. A few months later, after what I understand was the result of quite an effort and risk by our Members of Parliament, the federal government agreed to contribute up to $265 million. Together, we now have up to $565 million in upper level funding for rapid transit.

This funding will be in serious jeopardy if a referendum proceeds. In 2006, then Treasury Board President John Baird revoked $200 million in rapid transit funding for Ottawa, after local bickering disrupted their project. Currently, the federal government is being lobbied by governments, across the country, for rapid transit funding in their communities – communities like Halifax, Victoria, and even Hamilton, which are ready to build now. This fall, we face the real possibility of a new austerity-hungry provincial government, who may not be favourable towards transit. Delaying this project in an attempt to answer a divisive, problematic, and lengthy referendum question, is the most reckless and riskiest way to jeopardize $565 million in funding.

With the catastrophic risks, monumental support for rapid transit, and time put in by those who involved in this process, it is inexcusable and foolhardy, both practically and politically, to support a referendum.

Respectfully,

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