

Advance vote by-law for the 2012 by-election to fill the vacancies on the TDSB

Date:	November 18, 2011
To:	City Council
From:	City Clerk
Wards:	TDSB Ward 17 – Don Valley East (City wards 33 and 34) TDSB Ward 20 – Scarborough-Agincourt (City wards 39 and 40)
Reference Number:	

SUMMARY

The Toronto District School Board (TDSB) has requested the City Clerk to conduct a by-election to fill vacancies in the office of trustee for Ward 17- Don Valley East (City wards 33 and 34) and Ward 20 - Scarborough-Agincourt (City wards 39 and 40), which are seats vacated by Trustees Michael Coteau and Soo Wong, respectively. Both individuals were elected as Members of the Legislative Assembly in the recent provincial election on October 6, 2011.

Section 65(3) of the *Municipal Elections Act, 1996* (the *MEA*) states that by-elections must be conducted as far as possible in the same way as regular elections.

Pursuant to section 65(4)3 of the *MEA*, the City Clerk has established that, for the by-election to fill the vacancies on the TDSB, voting day will be February 27, 2012 and this report recommends advance vote dates and hours.

Section 43(1) of the *MEA* states that, at least 30 days before voting day, Council must pass a by-law establishing the dates and hours of the advance vote.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council establish the following dates and hours for advance voting for the 2012 Toronto District School Board by-election to fill the vacancies in the offices of trustee Ward 17 - Don Valley East (City wards 33 and 34) and Ward 20 - Scarborough-Agincourt (City wards 39 and 40):
 - a. Saturday, February 18, 2012, from 10:00 a.m. to 6:00 p.m.; and
 - b. Sunday, February 19, 2012, from 10:00 a.m. to 6:00 p.m.
2. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect thereto, including the introduction of the bill attached as Appendix "A".

Financial Impact

Pursuant to sections 7(3)2 and (4) of the *MEA*, the TDSB is required to reimburse the City for its reasonable costs as soon as possible after the TDSB receives a certificate verifying the amount and signed by the Clerk.

The cost of the advance vote is included in the by-election cost which is fully recoverable from the TDSB.

The Deputy City Manager & Chief Financial Officer has reviewed this report and concurs with the financial implications.

ISSUE BACKGROUND

On October 6, 2011, two TDSB trustees were elected to the provincial assembly. According to section 219 of the *Education Act*, Members of the Legislative Assembly are disqualified from holding the office of school board trustee.

At its meeting of November 16, 2011, the TDSB adopted a resolution directing the City Clerk to conduct a by-election to fill the vacancies in the office of trustee Ward 17, Don Valley East and Ward 20, Scarborough-Agincourt. A copy of that resolution is attached as Appendix "B".

COMMENTS

This report addresses the by-law which the *MEA* requires Council to pass before the TDSB by-election.

Subsection 43(1) of the *MEA* requires Council to pass a by-law establishing one or more days for advance voting and the hours during which voting places shall be open on those dates. This by-law must be passed at least 30 days before voting day.

It is recommended that City Council establish the following dates and hours for advance voting for the 2012 TDSB by-election to fill the vacancies on the TDSB, Ward 17 – Don Valley East (City wards 33 and 34) and Ward 20 – Scarborough-Agincourt (City wards 39 and 40):

- a. Saturday, February 18, 2012 from 10:00 a.m. to 6:00 p.m.; and
- b. Sunday, February 19, 2012 from 10:00 a.m. to 6:00 p.m.

In 2002, Council approved two advance voting dates for the TDSB by-election, which proved to be successful.

A draft by-law outlining the advance vote dates and hours is attached as Appendix "A".

This report has been prepared in consultation with Legal Services.

CONTACT

Bonita Pietrangelo, Director, Elections and Registry Services

Tel – 416-392-8019; Fax – 416-392-3781

E-mail: bpietran@toronto.ca

SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Appendix "A" – draft bill to establish the dates and hours of advance votes for the 2012 Toronto District School Board by-election

Appendix "B" – TDSB resolution, dated November 17, 2011, instructing the City Clerk to conduct a by-election.

Appendix "A"

**Dates and Hours of Advance Votes for the 2012
Toronto District School Board By-Election for Wards 17 and 20**

CITY OF TORONTO

BY-LAW No. _____

**To establish the dates and hours of advance votes for the
2012 TDSB by-election for Wards 17 and 20**

WHEREAS the Toronto District School Board has requested the City Clerk to conduct a by-election to fill two vacancies in the office of trustee, Ward 17 – Don Valley East (City Wards 33 and 34) and Ward 20 – Scarborough-Agincourt (City Wards 39 and 40); and

WHEREAS subsection 43(1) of the *Municipal Elections Act, 1996*, as amended, requires City of Toronto Council to, by by-law, establish the dates and hours for advance voting;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The dates and hours for advance voting for the 2012 Toronto District School Board by-election to fill the vacancies on the Toronto District School Board, Ward 17 – Don Valley East (City Wards 33 and 34) and Ward 20 – Scarborough-Agincourt (City Wards 39 and 40) shall be:

- (a) Saturday, February 18, 2012, from 10:00 a.m. to 6:00 p.m.; and
- (c) Sunday, February 19, 2012, from 10:00 a.m. to 6:00 p.m.

ENACTED AND PASSED this ____ day of _____, A.D. 2012.

ROB FORD
Mayor

ULLI S. WATKISS
City Clerk

Appendix "B"

TDSB resolution, dated November 17, 2011, instructing the City Clerk to conduct a by-election.

Nov. 17. 2011 2:08PM TDSB-5th FLOOR EAST

No. 3574 P. 1



5050 Yonge Street, Toronto, Ontario M2N 5N8 • Tel: (416) 397-3288 Fax: (416) 393-9989

DELIVERED BY COURIER, FAX AND ELECTRONIC MAIL (bpietran@toronto.ca)

17 November 2011

Uli S. Watkiss
City Clerk
City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Uli Watkiss:

Attention: Bonita Pietrangelo, Director, Elections & Registry Services

At the meeting of the Toronto District School Board held last night, 16 November 2011, the Board decided, in part:

That the City Clerk be advised that pursuant to section 221(2) of the *Education Act*, the Toronto District School Board requires that an election be held to fill the vacancies created in Toronto District School Board Ward 17 (Don Valley East) and Ward 20 (Scarborough-Agincourt); and

That the City Clerk be instructed to conduct the by-election in a manner similar to a regular election.

Yours truly,

A handwritten signature in black ink, appearing to read 'Giselle Basanta'.

Giselle Basanta
Senior Manager, Board Services

cc: Dr. Chris Spence, Director of Education and Secretary of the Board

G12(2012 Bi-Election/city clerk let)sec.1530