



STAFF REPORT ACTION REQUIRED

Advance vote by-law for the 2016 by-election to fill the vacancy on the TDSB, Ward 5 – York Centre

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| Date: | April 25, 2016 |
| To: | City Council |
| From: | City Clerk |
| Wards: | TDSB Ward 5 – York Centre (City wards 9 and 10) |
| Reference Number: | |

SUMMARY

The Toronto District School Board (TDSB) has requested the City Clerk to conduct a by-election to fill the vacancy in the office of trustee for Ward 5 – York Centre (City wards 9 and 10), which is vacant due to the passing of trustee Howard Kaplan on April 11, 2016.

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 vacancy on the TDSB, voting day will be July 25, 2016 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 2016 Toronto District School Board by-election to fill the vacancy in the office of trustee Ward 5 – York Centre (City wards 9 and 10):

- a. Saturday, July 16, 2016, from 10:00 a.m. to 6:00 p.m.; and
 - b. Sunday, July 17, 2016, 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 April 11, 2016, Howard Kaplan, TDSB trustee for Ward 5, passed away. According to section 221 of the Education Act, if the office of a member of a board becomes vacant before the end of the member's term, the board, may by resolution require that a by-election be held to fill the vacancy, in the same manner as an election of the board.

At its meeting of April 20, 2016, the TDSB adopted a resolution directing the City Clerk to conduct a by-election to fill the vacancy in the office of trustee Ward 5 – York Centre. 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 2016 TDSB by-election to fill the vacancy on the TDSB Ward 5 – York Centre (City wards 9 and 10):

- a. Saturday, July 16, 2016, from 10:00 a.m. to 6:00 p.m.; and
- b. Sunday, July 17, 2016, from 10:00 a.m. to 6:00 p.m.

This is similar to the advance voting dates Council approved for the January 25, 2016 TDSB by-election for Ward 21 (City Wards 41 and 42) and for the June 20, 2016 TDSB by-election for Ward 14 (City Wards 27 and 28).

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

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SIGNATURES

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Appendix 'A' – Draft by-law to establish the dates and hours of advance vote for the 2016 Toronto District School Board by-election

Appendix 'B' – TDSB resolution, dated April 20, 2016, instructing the City Clerk to conduct a by-election