



**STAFF REPORT
ACTION REQUIRED**

Advance vote by-law for the 2016 by-election to fill the vacancy on the TDSB, Ward 1 – Etobicoke North

Date:	May 24, 2016
To:	City Council
From:	City Clerk
Wards:	TDSB Ward 1 – Etobicoke North (City wards 1 and 2)
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 1 – Etobicoke North (City wards 1 and 2), which is vacant due to the resignation of Trustee Michael Ford on May 4, 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 1 – Etobicoke North (City wards 1 and 2):
 - 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 May 4, 2016, Michael Ford, TDSB Trustee for Ward 1 – Etobicoke North resigned from office. 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 on May 9, 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 1 – Etobicoke North. 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 1 – Etobicoke North (City wards 1 and 2):

- 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.

On May 4, 2016, Council approved advance voting on the same dates for the July 25, 2016 TDSB by-election for Ward 5 (City Wards 9 and 10), and City Council election for City Ward 2.

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
Deputy City Clerk, Election Services
City Clerk's Office
Tel: 416-392-8019
Email: bpietran@toronto.ca

SIGNATURES

Ulli S. Watkiss
City Clerk

ATTACHMENTS

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

Appendix 'B' – TDSB resolution, dated May 9, 2016, instructing the City Clerk to conduct a by-election