

Options to fill the vacancy in Ward 42

Date: November 1, 2016

To: City Council

From: City Clerk

Wards: All

SUMMARY

The purpose of this report is to provide City Council with updated recommendations that reflect revised dates for the options to fill the vacancy in Ward 42.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council adopt one of the following options to fill the vacancy:

Option A – Appointment

a. City Council fill the vacancy by appointing a person qualified to hold office in the City of Toronto at a special meeting to be held on Monday, December 5, 2016 at 9:30 a.m. in the Council Chamber, in accordance with the following:

1. The City Clerk shall advertise the vacancy inviting any interested and qualified applicants to seek appointment to City Council.
2. Interested persons shall complete a Consent of Nominee and Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto.
3. The deadline for submitting the required forms to the City Clerk shall be Wednesday, November 23, 2016 at 4:30 p.m.
4. The City Clerk shall submit a report with the list of applicants for publication on the agenda of the December 5, 2016 City Council meeting.
5. Each applicant shall be provided the opportunity to address City Council for up to 5 minutes.

6. The order in which applicants address City Council shall be determined by lot drawn by the City Clerk when City Council begins its debate on the item.

7. Members of City Council shall be entitled to ask one question of each candidate.

8. City Council shall vote on the appointment by ballot in accordance with the Council Procedures.

9. City Council shall enact a by-law confirming the appointment of the successful candidate to the office for the remainder of the term of the present Council.

OR

Option B – By-election

b. City Council require that a by-election be held to fill the vacancy in Ward 42 – Scarborough-Rouge River, as outlined in the draft bill in Appendix "A" to this report; and

1. City Council authorize a contribution rebate program for payment of rebates to persons who make contributions to candidates in this by-election, similar to the provisions passed by Council for the 2014 municipal election and the recent Ward 2 by-election, as outlined in the draft bill in Appendix "B" to this report; and

2. City Council direct the Deputy City Manager and Chief Financial Officer to adjust the City Clerk's Office 2016 operating budget to reflect the funds required to conduct the by-election.

FINANCIAL IMPACT

If Council chooses to fill the vacancy by appointment, there will be minimal costs for advertising, printing and supplies, which can be absorbed in the 2016 City Clerk's operating budget.

The MEA requires the municipality to pay the costs incurred to conduct a by-election for a vacancy on council as soon as possible after the Clerk has signed a certificate verifying the amount. Should Council choose to fill the vacancy through a by-election, the cost for administering the by-election would be approximately \$175,000, exclusive of a contribution rebate program.

If Council chooses to authorize a Contribution Rebate Program for candidates in the by-election there will be additional costs which are estimated to be approximately \$50,000.

Additional costs may also be incurred if any candidate in the by-election is subject to a compliance audit. The cost of an audit is dependent on a number of factors including the size of the campaign and the complexity of the audit. Under the MEA, the City has a statutory responsibility to pay the ensuing costs.

The total cost of the by-election including the contribution rebate program is estimated to be approximately \$225,000. Costs for the by-election will be split between the 2016 and 2017 operating budgets, with funds fully recovered from the Election Reserve. The City Clerk's Office's 2016 approved Operating Budget will need to be adjusted to reflect the required expenditures and the corresponding recovery from the Election Reserve, with no change to the net operating budget. 2017 costs will be included in the 2017 interim operating budget request.

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

DECISION HISTORY

City Council at its meeting on October 5, 6 and 7, 2016 declared the office of Councillor for Ward 42 vacant.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC21.3>

City Council subsequently deferred making a decision on how to fill the vacancy to the November 8 and 9, 2016 meeting.

COMMENTS

Issue Background

COTA provides that Council, within 60 days after the day the office is declared vacant, either fill the vacancy by appointing a person or passing a by-law requiring a by-election to be held to fill the vacancy.

City Council declared the seat vacant on October 7, 2016. The last day to appoint a person or pass a by-law requiring a by-election is December 6, 2016.

Revised dates for the Options before City Council

The City Clerk's previous report to Council provided options for how to fill the vacancy. As Council deferred the decision on how to fill the vacancy to the November meeting, this updated report provides updated dates and information for those options.

Filling the vacancy by appointment

If Council chooses to fill the vacancy by appointment, the revised dates for an appointment process are as follows:

A Special City Council meeting would be held on Monday, December 5, 2016 at 9:30 a.m. in the Council Chamber.

The deadline for submitting the required forms to the City Clerk will be Wednesday, November 23, 2016 at 4:30 p.m.

Filling the vacancy by by-election

If Council chooses to fill the vacancy through a by-election, the Clerk will set nomination day to be not less than 30 days and not more than 60 days after council passes a by-law that a by-election is required, in accordance with the Municipal Elections Act, 1996 (MEA). The MEA requires the Clerk to establish the dates and hours of the advance vote.

The MEA states that voting day shall be 45 days after nomination day. The last possible date for voting day is February 20, 2017.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Appendix A - Draft Bill to Require a By-election
Appendix B - Draft Bill for a Contribution Rebate Program