

For Information Only

Store Hours Referendum

Presented To:	City Council
Presented:	Tuesday, Dec 11, 2012
Report Date:	Tuesday, Dec 04, 2012
Type:	By-Laws
By-Law:	2012-242

Recommendation

For Information Only

Background

At the Council meeting of September 11, 2012, Council by way of Resolution CC2012-305 determined to add referendum questions on store hours to the 2014 Municipal Election Ballot. At the Council meeting of October 30, 2012 Council considered the wording of those questions in a meeting open to the public and determined the wording of the three questions by way of Resolution CC2012-359. The next step in the process is for Council to formally approve the exact wording of the questions by way of By-Law.

The questions presented in By-Law 2012-242 are as follows:

1. "Are you in favour of retail business establishments opening on December 26? / Êtes-vous en faveur de l'ouverture des établissements de commerce de détail le 26 décembre?"
2. "Are you in favour of retail business establishments opening on the Civic Holiday, the first Monday in August? / Êtes-vous en faveur de l'ouverture des établissements de commerce de détail le jour du Congé civique du premier lundi d'août?"
3. "Are you in favour of allowing retail business establishments to set their opening hours? / Êtes-vous en faveur de permettre aux établissements de commerce de détail de fixer eux-mêmes leurs heures d'ouverture?"

In order to ensure consistency between the questions in both French and English, two minor clerical changes were made to the English questions to facilitate translation and grammar. In the first question the date now appears as December 26 rather than December 26th and in the second question, a comma was inserted instead of "on" before "the first Monday in August".

Public Notice, Input into the Questions

The Council report from the Executive Director, Administrative Services that appeared on the October 30, 2012 agenda and passage of Resolution 2012-359 constituted public notice of the intention of Council to pass the by-law as described in the Municipal Elections Act, 1996. To ensure complete compliance with the notice provisions under the Act, advertisements providing notice were placed in the Sudbury Star on November 17, 2012, the Northern Life on November 20, 2012 and Le Voyageur on November 21, 2012. A sample of one of those advertisements is attached and uses the exact wording noted above. A letter was issued to the Minister on November 22, 2012.

There was extensive media coverage of the referendum questions both before and after the Council meeting of October 30, 2012. For example, the Sudbury Star carried two front page articles on this topic on October 29, 2012 and both the Northern Life and Sudbury Star covered the story on October 31, 2012 which was the day after the questions were established by Council. Both MCTV television news and local radio stations, including CBC Radio carried stories regarding the referendum questions and on November 1, 2012 CBC Radio had a feature story regarding the history of referendum questions in Greater Sudbury. This is in addition to media coverage of the story on both of the previous times when the possibility of a referendum was discussed at Council, in February 2012 and September 2012.

The public was invited to provide written comments on the construction of the questions during the period between October 30, 2012 and November 27, 2012. Section 8.1(2) of the Municipal Elections Act, 1996 establishes the criteria for the question(s) which include:

1. It shall concern a matter within the jurisdiction of the municipality
2. Despite rule 1, it shall not concern a matter which has been prescribed by the Minister as a matter of provincial interest
3. It shall be clear, concise and neutral
4. It shall be capable of being answered in the affirmative or the negative and the only permitted answers to the questions are "yes" or "no".

Those comments are appended for the information of Council. Personal information contained in those documents has been redacted as required under the Municipal Freedom of Information and Protection of Privacy Act.

Right to Appeal

As described in the Municipal Elections Act, 1996, section 8.1(6):

Within 20 days after the clerk gives notice of the passage of a by-law under clause 8 (1) (b), the Minister or any other person or entity may appeal to the Chief Electoral Officer of the Province of Ontario on the grounds the question does not comply with paragraph 3 or 4 of subsection (2) by filing with the clerk a notice of appeal setting out the objections and the reasons in support of the objections.

Description of the Consequence of the Questions if Approved /or Rejected

The Municipal Act, 2001 requires that as part of the notice of the intent of the City to pass a by-law in regards to a referendum question, that a clear, concise and neutral description of the consequences of the question(s) if either approved or rejected is provided to the public, as well as an estimate of the costs to the municipality of implementing the results of the question(s).

As described in the Municipal Elections Act, 1996, the results of the questions above would be binding on the municipality if:

1. At least 50 percent of the eligible electors in the municipality vote on the question: and
2. More than 50 per cent of the votes on the question are in favour of those results.

The municipality is required to describe the consequences of the question if it is either approved or rejected and if sufficient numbers of votes are cast to render the

Signed By

Report Prepared By

Caroline Hallsworth
Executive Director, Administrative
Services/City Clerk
Digitally Signed Dec 5, 12

Recommended by the

Department

Caroline Hallsworth
Executive Director, Administrative
Services/City Clerk
Digitally Signed Dec 5, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Dec 5, 12

decision binding on the municipality.

QUESTION	If more than 50% of eligible voters cast a vote on this question and more than 50% answer yes	If more than 50% of eligible voters cast a vote on this question and more than 50% answer no
"Are you in favour of retail business establishments opening on December 26? / Êtes-vous en faveur de l'ouverture des établissements de commerce de détail le 26 décembre?"	The City of Greater Sudbury will make necessary by-law changes so that retail business establishments are no longer required to close on December 26.	The City of Greater Sudbury will continue to require that retail business establishments close on December 26.
"Are you in favour of retail business establishments opening on the Civic Holiday, the first Monday in August. / Êtes-vous en faveur de l'ouverture des établissements de commerce de détail le jour du Congé civique du premier lundi d'août?"	The City of Greater Sudbury will make necessary by-law changes so that retail business establishments are no longer required to close on the Civic Holiday.	The City of Greater Sudbury will continue to require that retail business establishments close on the Civic Holiday.
"Are you in favour of allowing retail business establishments to set their opening hours? / Êtes-vous en faveur de permettre aux établissements de commerce de détail de fixer eux-mêmes leurs heures d'ouverture?"	The City of Greater Sudbury will repeal By-law 2004-204 that requires the closing of certain retail business establishments. Repealing By-law 2004-204 will mean that the City will no longer require retail business establishments to close during certain hours on specified days of the week and year.	The City of Greater Sudbury will not repeal By-law 2004-204.

There is no direct cost to the municipality for implementation of the results of the questions. Staff time would be required to prepare the necessary by-laws to implement questions answered in the affirmative.

Obligation to Register and Complete a Financial Statement

As described in the Municipal Election Act, Section 39.1 "Registration - Question" individuals, corporations or trade unions proposing to incur expenses with respect to referendum questions are obligated to register with the Clerk's Office and to follow campaign financing rules, much in the same way that candidates in the election do. A registered individual, corporation or trade union is eligible to spend \$0.50 per voter, which based on the 115,318 voters registered in the 2010 election sets a campaign spending limit for referendum question campaigns of \$57,659.00 which amount is also subject to limits on individual donations as described in the Act.

Form 7, the Notice of Registration, Question on the Ballot is available online at:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=2&ENV=WWE&TIT=notice+of+registration&NO=01>

All those who Register are also required to complete a Form 8, Financial Statement – Auditor's Report (Question on the Ballot). Any registrant who has received contributions or incurred expenses in excess of \$10,000 must also provide an Auditor's Report. Form 8 is available online at:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=1&ENV=WWE&TIT=ballot&NO=017-10552P>

Referendum Questions on the 2014 Municipal Election Ballot

City of Greater Sudbury Council is considering passing a Referendum By-law authorizing that the following three questions be placed on the 2014 municipal election ballot:

1. Are you in favour of retail business establishments opening on December 26?
2. Are you in favour of retail business establishments opening on the Civic Holiday, the first Monday in August?
3. Are you in favour of allowing retail business establishments to set their opening hours?

Share Your Opinion:

Deadline for comment on the wording of potential referendum questions is November 27, 2012.

Comments from the public will be compiled and presented at the regular meeting of City Council on December 11, 2012, during which the Referendum By-law to submit these questions to the municipal electorate in 2014 will be considered by Council.

Please see Contact Us to submit your written comments by email, mail or delivery.

This notice is provided in accordance with section 8.1(5) of the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched. ("MEA").

Consequences of the Referendum Questions:

If these questions are authorized by the Referendum By-law, voters will be asked to answer yes or no to each of the three questions.

Question 1:

If a minimum of 50% of eligible voters cast a vote on the question, and more than 50% respond yes, the City of Greater Sudbury will make necessary by-law changes so that retail business establishments are no longer required to close on December 26.

If a minimum of 50% of eligible voters cast a vote on the question, and more than 50% respond no, the City of Greater Sudbury will continue to require that retail business establishments close on December 26.

Question 2:

If a minimum of 50% of eligible voters cast a vote on the question, and more than 50% respond yes, the City of Greater Sudbury will make necessary by-law changes so that retail business establishments are no longer required to close on the Civic Holiday.

If a minimum of 50% of eligible voters cast a vote on the question, and more than 50% respond no, the City of Greater Sudbury will continue to require that retail business establishments close on the Civic Holiday.

Question 3:

If a minimum of 50% of eligible voters cast a vote on the question, and more than 50% respond yes, the City of Greater Sudbury will repeal By-law 2004-204 that requires the closing of certain retail business establishments. Repealing By-law 2004-204 will mean that the City will no longer require retail business establishments to close during certain hours on specified days of the week and year.

If a minimum of 50% of eligible voters cast a vote on the question, and more than 50% respond no, the City of Greater Sudbury will not repeal By-law 2004-204.

Costs of Implementing the Results of the Referendum:

If the vote on the referendum questions is binding, then the costs incurred by the City of Greater Sudbury will be staff time to prepare any necessary by-law changes.

Appeals:

Appeals on the grounds that the questions authorized by the Referendum By-law do not comply with sections 8.1(2) paragraphs 3 and 4 of the MEA may be made to the Province's Chief Electoral Officer within 20 days of passage of the Referendum By-law. The notice of appeal setting out any objections to the questions authorized in the Referendum By-law and the reasons in support of the objection(s) may be filed with the City Clerk.

Privacy Statement & Consent:

Comment about the referendum questions and information submitted with your comment, including your name, address and contact information, is personal information, and is collected under the authority of section 8.1 of the MEA. Once submitted, this information will form part of a public Council or Committee agenda, which may be viewed by the public and posted on www.greatersudbury.ca

By submitting comments, residents consent to the disclosure of their name, contact information and comments or opinions being shared with the public in an open meeting of City Council or a Council Committee.

Contact Us:

- to submit comments in writing regarding the wording of potential referendum questions by November 27, 2012, and/or
- for questions related to the collection, use and disclosure of personal information collected under the authority of section 8.1 of the MEA.

City Clerk, City of Greater Sudbury,
P.O. Box 5000, Stn. A,
200 Brady St., Sudbury, ON P3A 5P3
email: clerks@greatersudbury.ca
Telephone: 705-674-4455, ext. 4226

3-1-1 Service At Your Service

Vote Votez 2014
municipal elections • élections municipales

Greater | Grand
Sudbury
www.greatersudbury.ca

Questions référendaires lors des élections municipales de 2014

Le Conseil de la Ville du Grand Sudbury songe à l'adoption d'un règlement référendaire qui permettrait de poser les trois questions suivantes lors des élections municipales de 2014 :

1. Êtes-vous en faveur de l'ouverture des établissements de commerce de détail le 26 décembre?
2. Êtes-vous en faveur de l'ouverture des établissements de commerce de détail le jour du Congé civique du premier lundi d'août?
3. Êtes-vous en faveur de permettre aux établissements de commerce de détail de fixer eux-mêmes leurs heures d'ouverture?

Approuvez-vous que les établissements de commerce de détail fixent leurs propres heures d'ouverture?

À vous la parole!

Date limite pour transmettre vos commentaires sur la formulation de questions référendaires possibles : 27 novembre 2012

Les commentaires du public seront compilés et présentés lors de la réunion ordinaire du 11 décembre 2012 du Conseil municipal, durant laquelle ce dernier se penchera sur le règlement référendaire afin de soumettre ces questions lors des élections municipales de 2014.

Pour savoir comment transmettre vos commentaires écrits par courriel, par la poste ou par livraison, veuillez consulter la rubrique « Pour nous joindre ».

Conséquences des questions :

Si les questions sont autorisées, on demandera aux votants d'y répondre par oui ou par non. La Ville du Grand Sudbury sera liée par les résultats du vote sur chaque question si au moins la moitié des électeurs admissibles vote et que plus de la moitié des personnes le faisant répond oui ou non à la question.

Question 1 :

Si au moins la moitié des électeurs admissibles vote et que plus de la moitié des personnes le faisant répond oui à la question, la Ville du Grand Sudbury apportera les changements nécessaires au règlement municipal pour que les établissements de commerce de détail ne soient plus obligés de fermer le 26 décembre.

Si au moins la moitié des électeurs admissibles vote et que plus de la moitié des personnes le faisant répond non à la question, la Ville du Grand Sudbury continuera d'exiger que les établissements de commerce de détail soient fermés le 26 décembre.

Question 2 :

Si au moins la moitié des électeurs admissibles vote et que plus de la moitié des personnes le faisant répond oui à la question, la Ville du Grand Sudbury apportera les changements nécessaires au règlement municipal pour que les établissements de commerce de détail ne soient plus obligés de fermer lors du Congé civique.

Si au moins la moitié des électeurs admissibles vote et que plus de la moitié des personnes le faisant répond non à la question, la Ville du Grand Sudbury continuera d'exiger que les établissements de commerce de détail soient fermés lors du Congé civique.

Question 3 :

Si au moins la moitié des électeurs admissibles vote et que plus de la moitié des personnes le faisant répond oui à la question, la Ville du Grand Sudbury abrogera le Règlement municipal 2004-204 exigeant la fermeture de certains établissements de commerce de détail. Une telle abrogation signifierait que la municipalité n'exige plus que les établissements de commerce de détail soient fermés durant certaines heures de journées précises pendant la semaine et l'année.

Si au moins la moitié des électeurs admissibles vote et que plus de la moitié des personnes le faisant répond non à la question, la Ville du Grand Sudbury n'abrogera pas le Règlement municipal 2004-204.

Coûts de mise en œuvre des résultats du référendum :

Puisque les résultats lient la Ville du Grand Sudbury, les coûts engagés par celle-ci sont associés au temps consacré par le personnel municipal à la préparation des changements au règlement municipal, le cas échéant.

Appels :

Les appels fondés sur le motif selon lequel les questions autorisées par le règlement référendaire ne sont pas conformes aux dispositions 3 et 4 de l'article 8.1 (2) de la Loi de 1996 sur les élections municipales, L.O. 1996, chap. 32, peuvent être adressés au directeur général des élections de la province dans les 20 jours suivant l'adoption du règlement référendaire. L'avis d'appel indiquant les objections aux questions autorisées dans le règlement référendaire, accompagné des raisons à l'appui, peut être déposé au Bureau du greffier municipal.

Déclaration concernant la protection de la vie privée et consentement

Les commentaires sur les questions référendaires et les renseignements fournis avec ceux-ci, y compris les noms, adresses et coordonnées, sont de nature personnelle et recueillis aux termes de l'article 8.1 de la Loi de 1996 sur les élections municipales. Une fois soumis, ces renseignements sont publiés dans des ordres du jour du Conseil ou des comités que la population peut consulter, et ils peuvent être affichés au www.grandsudbury.ca.

En soumettant des commentaires, les résidents consentent à la divulgation de leur nom et de leurs coordonnées, et acceptent que leurs observations ou opinions soient communiquées aux gens assistant à une réunion publique du Conseil municipal ou de l'un de ses comités.

Veillez communiquer avec nous :

- pour soumettre vos commentaires écrits sur la formulation de questions référendaires possibles, d'ici au 27 novembre 2012; et/ou
- si vous avez des questions sur la collecte, l'utilisation et la divulgation de renseignements personnels recueillis aux termes de l'article 8.1 de la Loi de 1996 sur les élections municipales.

Greffière municipale, Ville du Grand Sudbury
C. P. 5000, succursale A
200, rue Brady, Sudbury (Ontario) P3A 5P3
Courriel : greffier@grandsudbury.ca
Tél. : 705 674-4455, poste 4226

3-1-1 À votre service

Votez 2014
municipal elections • élections municipales

Greater | Grand
Sudbury
www.grandsudbury.ca