

## 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](http://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](mailto:clerks@greatersudbury.ca)  
Telephone: 705-674-4455, ext. 4226

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# 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](http://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](mailto:greffier@grandsudbury.ca)  
Tél. : 705 674-4455, poste 4226

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## clerks - Referendum question

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**From:** Michelle Martin-Jones  
**To:** clerks@greatersudbury.ca  
**Date:** 11/1/2012 1:49 PM  
**Subject:** Referendum question

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I find the 3rd question confusing..."Are you in favour of allowing retail business establishments to set their opening hours?" I believe this should read..."Are you in favour of allowing retail business establishments to set their **hours of operation.**"

Opening hours makes you question whether it is what time they open or their operating hours. Considering the hype surrounding this issue it should be as clear as can be.

Sincerely,  
Michelle Martin-Jones

**Michelle Martin-Jones**



**clerks - Fwd: A BIG THANK YOU!**

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**From:** Mayor  
**To:** clerks@greatersudbury.ca  
**Date:** 11/2/2012 1:01 PM  
**Subject:** Fwd: A BIG THANK YOU!

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>>> Norm Cardinal [REDACTED] 11/1/2012 12:19 AM >>>

I am writing to you today, to thank you for wasting more of our time, more of our money, and express my DISGUST in all of the councilors who have not LISTENED. We the people of Sudbury, VOTED for 1 person throughout the whole city. WE all voted on a platform that said "WE WANT SUDBURY TO BE OPEN FOR BUSINESS", and each of you the 12 councilors of each ward, have only been voted from people in your ward, except for the one who doesn't even live there! WE sent a message with electing a NEW MAYOR who's vision was the same as the MAJORITY of voters who turned out and voted. Mrs Matichuk, made promises that she would do everything in her power to get rid of ridiculous by-laws, ridiculous laws that were created in 1800! Ok sure, it may not have been 1800 but seriously, its 2012.

I own a business here in Sudbury, and thankfully YOU CAN'T CONTROL MY HOURS!!! I work every day from 8 am to 11pm as I am self employed, my wife starts at 8am and goes till 11pm. We have 4 children living at home. And WE DO NOT HAVE TIME TO DO OUR GROCERY SHOPPING during the stores regular hours. I wonder why that is! We eat McDonalds on a daily basis, we eat Subway on a daily basis, we eat burger king on a daily basis. I can keep listing this for hours, but I'm not here to complain on what I have to eat. When we need school supplies the local Mac's Milk is where we buy school stuff (3\$ for 5 Juices) grocery store (\$2 for 10) Good thing I own a business and I am able to afford the added increase.

We deliver to various parts of the province, and country. So on those days, we love it, as when we are on our way back In North Bay, we can buy some groceries as they have a 24hrs grocery store, Parry Sound for crying out loud has a 24hrs grocery store.

WHY ARE YOU SO AFRAID OF CHANGES? Its not your job to hire people to fill these shifts, its not your job to worry how many stores will open. All you needed to do was pass a small little by-law that changed the control back to the owners who own these businesses.

Dumas Independent already has people working 24 hours a day, Wal-Mart already has people working 24 hours a day? Oh you ask how is this possible, who do you think stocks the shelves? Who do you think cleans the stores? SO now these people who are already working, will have 1 additional person to handle cash to serve the few people that will be there. IT'S THE owners problem to find staff, it's the owners problem to make sure if they are not turning a profit to change their hours. NOT YOURS!

Its time for Sudbury to join the rest of the 21<sup>st</sup> century and allow the OWNERS who pay taxes, who employ people, and who are the ones who allow this city to function.

So if there is less then 50% of the population that don't show up, what are you going to do then? All the money wasted on this GARBAGE, when a simple vote in favor of moving this city into the 21<sup>st</sup> century. You all should be ashamed of yourselves for wasting our TAX dollar on your job, and what you were elected to do!

I am glad I don't own a retail business or I would have moved it to a much more friendly city to allow me to do what I want, and PUT people to work!

A [REDACTED] OFF CITIZEN,

Norm Cardinal

[Redacted]

[Redacted]

[Redacted]

**clerks - Fwd: FW: Retail store hours**

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**From:** Mayor  
**To:** clerks  
**Date:** 11/2/2012 1:01 PM  
**Subject:** Fwd: FW: Retail store hours

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>>> paul parent [REDACTED] 11/1/2012 8:43 AM >>>

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From: toolman\_52@hotmail.com

[REDACTED]

Subject: Retail store hours  
Date: Thu, 1 Nov 2012 08:32:07 -0400

Please say No to deregulated store hours . Longer store hours lead to more cost to retailers and less jobs for retail employees .Go shopping on a weeknight in Sudbury youll see that the stores are not all that busy .We dont have the population to support it .If asked would the people that work at city hall including the mayor want to work on holidays .Better yet would they like to work two nights a week till 9pm or how about working saturdays would they work saturdays . Im sure they would say NO! IF you cant shop in the stores in sudbury with the retail hours that we have now then you have a problem . Retail employees like you enjoy the holidays with there families. Are time spent with them is very important to us as well .

**clerks - Fwd: Store Hours plebicite (fwd)**

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**From:** Mayor  
**To:** clerks  
**Date:** 11/2/2012 1:02 PM  
**Subject:** Fwd: Store Hours plebicite (fwd)

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>>> "Harold J. Saville" [REDACTED] 11/2/2012 5:19 AM >>>  
Dear Mayor Matichuk,

This is a question that I posed to my Councillor, I have not received an answer from him yet, but I wonder if you could answer it for me as well.

Thank You

Harold Saville

----- Forwarded message -----

From: "Harold J. Saville" [REDACTED]  
To: Andre Rivest <andre.rivest@greatersudbury.ca>  
[REDACTED]  
Subject: Store Hours plebicite  
Date: Wed, 31 Oct 2012 15:28:57 -0400  
Message-Id: <20121031192857.EC1FF4A163@ms2>

Dear Mr. Rivest,

I understand that we are to have a plebicite at the next municipal election concerning store hours.

I am wondering why we are going to all the trouble to have this plebicite when we need 50% of the voting population to vote and of that percentage we need 50% to vote in favour of one, two or three of the questions.

In the last 4 municipal elections we have had less than 50% of the voting population vote.

It seems to me that unless many more voters come out and vote this seems like a lost cause, I hope that this is not what the council is thinking and hoping for.

Sincerely

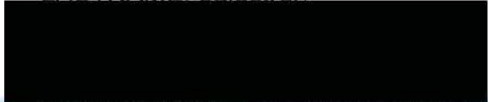
Harold Saville  
[REDACTED]

**From:** Referendum Questions Comment Form <webmaster@greatersudbury.ca>  
**To:** <clerks@greatersudbury.ca>  
**Date:** 11/19/2012 1:27 PM  
**Subject:** Referendum Questions Comment Form

This form was sent at: 19-Nov-2012 1:26 PM

FIRSTNAME: ernest

LASTNAME: balestreri



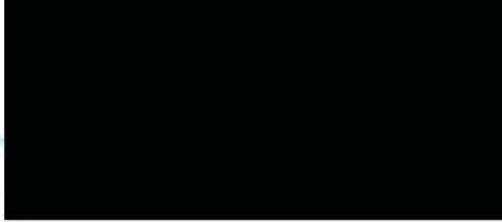
QUESTION: I believe question #3 is the only one required, since whether or not to open boxing day, civic holiday and/or any other hoiliday will be up to the business to decide.



# Seasons Greetings

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**Victoria Forigo**



RECEIVED

NOV 22 2012

CLERK'S

**November 20, 2012**

**City Clerk's Office of Greater Sudbury**

**P.O. Box 5000, Stn A**

**200 Brady Street,**

**Sudbury, ON P3A 5P3**

**Attention: City Clerk's Office**

**Regarding: Referendum Questions to Retail Hours**

**After reading the article in the Northern Life dated Wednesday November 20<sup>th</sup> 2012 I felt that it was my obligation to write a response to the questions presented about Retail Hours.**

**My responses to these questions are as follows:**

- 1. No - I do not agree that stores remain open on December 26<sup>th</sup>.**

**Why I feel this way is because as a retail employee, I work hard every day up to Christmas and need this day as recuperation after Christmas due to the busyness of the holiday.**

- 2. No - I do not agree that stores remain open on August 1<sup>st</sup>.**



# Seasons Greetings

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**3. Yes – I feel Business Owners establish their hours of operations excluding the previous two date mentioned above.**

**Every business owner knows what hours are going to bring them volume of patrons and this will flourish his income, and employees trying to earn a fare wage. This may also lead to lowing costs of products and services rendered.**

**Cordially,**

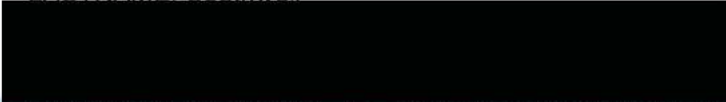
*Victoria Forigo*  
**Victoria Forigo**

**From:** Referendum Questions Comment Form <webmaster@greatersudbury.ca>  
**To:** <clerks@greatersudbury.ca>  
**Date:** 11/21/2012 12:30 PM  
**Subject:** Referendum Questions Comment Form

This form was sent at: 21-Nov-2012 12:30 PM

FIRSTNAME: Rachel

LASTNAME: Southwell



QUESTION: question # 1 no - should not be allowed to open December 26

question # 2 no - should not be allowed to open on the Civic holiday

question # 3 no - store should not be allowed to regulate their opening hours

People need a break from working on holidays etc. I am a firm believer for people to be able to spend time with their families on holidays.

clerks - referendum questions

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**From:** Dan [REDACTED]  
**To:** <clerks@greatersudbury.ca>  
**Date:** 11/21/2012 2:10 PM  
**Subject:** referendum questions

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Hi,  
I have just read the three referendum questions in yesterday's issue of the Northern Life.

Wondering here, question #3 seems to encompass #1 and #2 ... would this be so? Obviously, if I agree with #3, 1 and 2 follow automatically and would require a 'yes' vote as well. Is my understanding correct?

One other point, if #3 is passed, this allows retailers to open or close on any day of the calendar or to stay open 24 hrs on any day or all days of the week/year. Is my understanding correct.

Thanks,  
Dan  
Have a good one ... One at a time!

**clerks - Annonce dans le Voyageur « Questions référendaires»**

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**From:** Yvan Robert [REDACTED]  
**To:** [REDACTED]  
**Date:** 11/21/2012 3:25 PM  
**Subject:** Annonce dans le Voyageur « Questions référendaires»  
**CC:** <joscelyne.landry-altmann@greatersudbury.ca>

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Bonjour

J'ai pris connaissance de l'annonce sur les questions référendaires lors des élections municipales de 2014, dans l'édition du Voyageur daté le mercredi 21 novembre 2012.

Vous écrivez dans le premier paragraphe de l'annonce que le Conseil de Ville du Grand Sudbury songe à l'adoption d'un règlement référendaire qui permet de poser 3 questions . Cependant en continuant à lire on remarque que les 3 premières questions sont identifiées par une numérotation ( 1.2.3.) puis par la suite vous y avez ajouté une 4ième question.

Plus loin dans l'annonce vous nous invités à transmettre nos commentaires écrits en consultant la rubrique « pour nous joindre» qui malheureusement ne se retrouve pas dans l'annonce.

Autant que je veuille bien vous écrire mes commentaires j'aurais cru bon que vous auriez pu prendre le temps de relire votre annonce avant de le rendre public. C'est dommage que cela soit arrivé car des erreurs de publication comme celles là ne m'aident certainement pas à comprendre ce que vous voulez. Je n'ai pas pris le temps encore de retrouver cette annonce publiée dans un journal anglophone pour y faire une comparaison afin de mieux comprendre mais malheureusement ma confiance en vous n'est pas à la hauteur de ce que je m'attendais .

Soyez assurés que je vais verifier mon courriel afin de recevoir de vos commentaires.

Yvan Robert  
[REDACTED]

c.c. Mme Landry-Altman , conseillère municipal, quartier 12



2012 – 11 – 22

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NOV 26 2012

CLERK'S

Ms Caroline Hallsworth  
City Clerk  
City of Greater Sudbury  
P O Box 5000, Station A  
200 Brady Street  
Sudbury, ON, P3A 5P3

Dear Ms ~~Hallsworth~~

*Caroline*

**Re: Referendum Questions – 2014 Municipal Election**

On behalf of the Greater Sudbury Chamber of Commerce I am pleased to provide the following comments regarding the proposed referendum questions, and the order the questions will be listed, for the 2014 municipal election.

The chamber is suggesting changes to each of the proposed questions. Our amendments follow:

1. Are you in favour of allowing retail business establishments to set their own opening hours?

Our suggested wording is:

**Are you in favour of allowing retail business establishments to choose their hours of operation?**

We believe the city's proposed question #1 is misleading in that it could be interpreted that retail establishments be allowed to set their opening hours but not their closing hours. We believe that our proposed wording is neutral and removes any confusion about the intent of the question.

2. Are you in favour of retail business establishments opening on December 26<sup>th</sup>?

Our suggested wording is:

**Are you in favour of allowing retail business establishments the choice to open on December 26<sup>th</sup>?**

We feel the city's proposed wording could be confusing to the voter and them interpreting the question as retailers having to be open on December 26<sup>th</sup> rather than retailers having the option to do so or not.

.../2

Ms Caroline Hallsworth

3. Are you in favour of retail business establishments opening on the Civic Holiday on the first Monday in August?

Our suggested wording:

**Are you in favour of allowing retail business establishments the choice to open on the Civic Holiday on the first Monday in August?**

Again with this question the chamber believes the proposed wording may be confusing to voters and them inferring from the question that retailers have to open on the Civic Holiday rather than having the option to do so or not.

The chamber feels that any ambiguity must be removed from all questions. We believe that our amendments address the requirement for neutrally-worded questions that can be answered by a yes or no response.

Furthermore, the chamber respectfully recommends that the questions be listed on the ballot in the order shown above. This ordering places the original and longstanding issue of deregulation at the top of the list.

If you have any questions about our recommendations please feel free to contact me.

Yours truly



Debbi M Nicholson  
PRESIDENT & CEO



# Sudbury & District Labour Council

Labour's Voice in the Community



## Conseil du Travail de Sudbury et du District

La voix des travailleurs dans la communauté

November 24, 2012

**City Clerk, City of Greater Sudbury**  
**Re: Referendum Questions**

**Dear sir or madam,**

The Sudbury and District Labour Council is concerned that the referendum questions proposed for the 2014 municipal election ballot do not clearly define the decision that voters will be asked to make. The questions should be revised to make them more clear and balanced.

The first question proposed should include the name of the holiday, Boxing Day. This would help clarify the choice that the citizens of Sudbury are being asked to make. Boxing Day is the statutory holiday and should be referenced in the question. In the second question there is a mention of the Civic Holiday and that makes the question more understandable.

The third question, "Are you in favour of allowing retail business establishments to set their opening hours?" is unacceptable as proposed. The question is unbalanced because it is worded to favour a yes vote. The question implies that the city is currently in complete control of retail stores hours in the community, but the question is actually referring to a by-law that requires some stores to close for short periods during the day and two days of the year. The result of a sufficient number of yes votes would be to completely remove the city's role in regulating store hours in the community, a role that is part of the city's responsibilities under the Municipal Act.

The vague and unbalanced question does not adequately inform the voters of the implications of the choice that they will make. In reality, the voters are being asked to allow all stores in Sudbury to open twenty-four hours a day, seven days a week, three hundred and sixty five days a year and this should be clearly stated in the question.

The Labour Council would be pleased to have the opportunity to present its views on this issue to council.

**Yours Truly,**

**John Closs**  
**President, Sudbury and District Labour Council**

PHONE: (705) 674-1223 FAX: (705) 677-0091 109 ELM STREET, SUITE 209 - SUDBURY, ON P3C 1T4  
EMAIL: [sdlc@persona.ca](mailto:sdlc@persona.ca)

**clerks - Referendum Question**

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**From:** [REDACTED]  
**To:** <clerks@greatersudbury.ca>  
**Date:** 11/24/2012 2:23 PM  
**Subject:** Referendum Question  
**CC:** [REDACTED]  
**Attachments:** Referendum questions.pdf

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Hi

The text of the attached letter is below:

[REDACTED]

The Sudbury and District Labour Council is concerned that the referendum questions proposed for the 2014 municipal election ballot do not clearly define the decision that voters will be asked to make. The questions should be revised to make them more clear and balanced.

The first question proposed should include the name of the holiday, Boxing Day. This would help clarify the choice that the citizens of Sudbury are being asked to make. Boxing Day is the statutory holiday and should be referenced in the question. In the second question there is a mention of the Civic Holiday and that makes the question more understandable.

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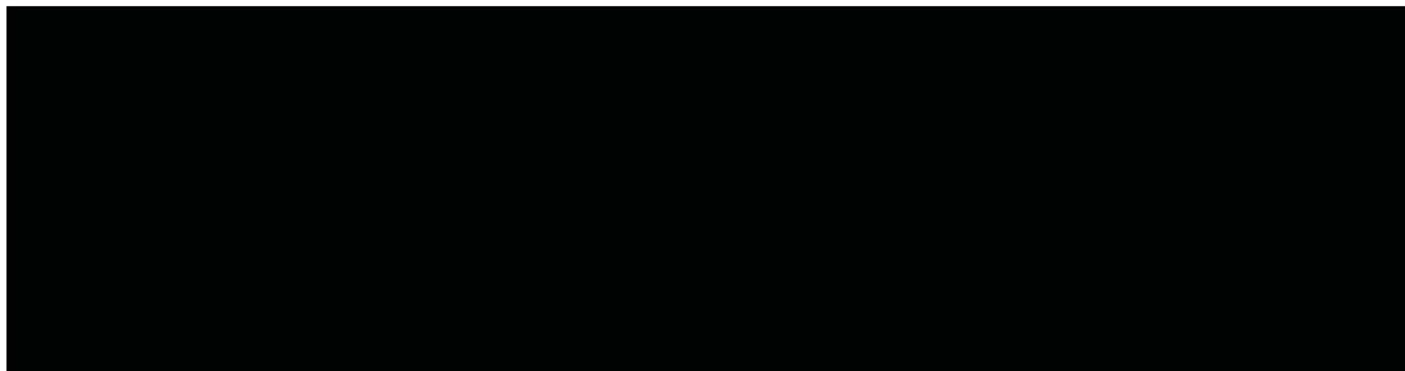
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The Labour Council would be pleased to have the opportunity to present its views on this issue to council.

**Yours Truly,**

**John Closs**

**President, Sudbury and District Labour Council**



**clerks - Referendum question for 2014 election**

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**From:** Neil Coyne [REDACTED]  
**To:** "clerks@greatersudbury.ca" <clerks@greatersudbury.ca>  
**Date:** 11/23/2012 3:44 PM  
**Subject:** Referendum question for 2014 election

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To whom it may concern

My wife and I have reviewed the three options for the referendum question for the 2014 election and the only logical choice is option number three.

Let the business owners set their own hours of operation.

This is because every other municipality has let business set their own operating hours and we are the only remaining city that has not joined the rest.

Regards

Neil and Barbara Coyne  
[REDACTED]

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NOV 26 2012

CLERK'S

To whom it may concern,

"NO" to all three questions, because  
I believe we have become too "commercialized"  
as a society, & have no regards for  
the "quality of life" this decision  
will have on the employees effected.

Let's face it the only reason these  
businesses want to dictate their own  
hours is for more bottom line profits  
to go to headquarters or to buy a  
bigger house. The store front line  
workers will be manipulated so they don't  
get overtime hours, & they will have to  
find their own way home after their  
shifts. This reminds me of an old Native  
proverb that says... "ONLY AFTER THE LAST  
FISH IS CAUGHT, & THE LAST RIVER IS POISONED,  
WILL MANKIND LEARN THAT HE CAN'T  
EAT MONEY \$\$\$

**From:** Referendum Questions Comment Form <webmaster@greatersudbury.ca>  
**To:** <clerks@greatersudbury.ca>  
**Date:** 11/26/2012 3:17 PM  
**Subject:** Referendum Questions Comment Form

This form was sent at: 26-Nov-2012 3:17 PM

FIRSTNAME: Daryl

LASTNAME: Shandro

QUESTION: November 27, 2012

The City of Greater Sudbury

To Whom it May Concern;

This letter is a submission concerning the Referendum Questions concerning business hours in the City of Greater Sudbury, intended to be included on the next municipal ballot.

The phrasing of the proposed questions as presented in the Sudbury Star advertisements are both leading and misleading. Framing business hour decisions as a "freedom" issue begs the questions, freedom for whom, and from whom.

The City of Greater Sudbury is not a population growth centre, and it is particularly difficult for service sector wage dependent young families to maintain a minimally acceptable standard of living while tending to the needs of young children in this city. Any redistribution of these young workers' hours would not be in answer to "pent up" demand based on population growth within Sudbury, but rather to increase the hours that Sudbury workers must be available to cater to the elastic demands of international retail "big box" outlets and the out-of-town northern market that they are trying to attract.

Forcing low-wage earners to work outside of regular and subsidized day care schedules will force a drastic reduction in standard of living for many young families. Day care can be very expensive, and subsidized day care spots have very long waiting lists, and operate during daytime hours. Furthermore, there are no 24 hour bus routes to support these workers' transportation and safety needs, and the city should have to consider extending these services, because it is the municipality that would enable the unilateral decisions of business managers to create both the necessity, and thus demand, for these services amongst Sudbury's citizens.

At the very least the questions should be rephrased to incorporate a better appreciation of the potential consequences of the referendum outcome for the continuity and political and economic wellbeing of this city.

The following are suggested amended referendum questions that might achieve both a fair debate and mandate.

Question 1. Should the Greater City of Sudbury be required to plan, rationalize and subsidize the expanded child care and public transportation services necessary to mitigate the economic difficulties entailed in permitting businesses to unilaterally change the hours of work for a large number of low-wage and reproductive aged citizens?

Question 2. Should businesses have to provide a net benefits case to both the city and citizens that transparently accounts for all municipal subsidization assumed in their business model before they can redistribute hours of work?

Question 3. Are citizens prepared to accept the extra cost of expanding services to low-wage workers, their families, and big businesses order to extend primarily non-Sudburian managers unilateral decision making powers over Sudbury's low wage earning citizens.

Disclaimer: Sudburians should understand that under Canadian law no elected body of legislators is prevented from repealing the decisions of a former government at the same level. Municipal referenda are not binding to eternity.

Sincerely,

Daryl Shandro

**From:** Referendum Questions Comment Form <webmaster@greatersudbury.ca>  
**To:** <clerks@greatersudbury.ca>  
**Date:** 11/27/2012 3:14 PM  
**Subject:** Referendum Questions Comment Form

This form was sent at: 27-Nov-2012 3:14 PM

FIRSTNAME: Pamela

LASTNAME: Bazinet



QUESTION: Question #3-- I am in favour of business owners setting their own hours.

Store Hours;

I have been following the comments and request being made for the extension of store hours in the city of Greater Sudbury. There are a lot of concerns and cost related to any extension that is requested. Some of the request and cost that could be required if extended hours are implemented.

City;

- Extended bussing, staff, and shoppers
- Extended street lighting
- Enhanced Snow plowing, streets and sidewalks
- Enhanced Police service
- Enhanced staff, maintenance cost

Stores;

- Increased lighting cost
- Increased cleaning costs
- Increased maintenance cost
- increased snow plowing, removal
- Staff change hours of work

Staff;

- Start earlier
- Finish later

Cleaners;

- Start earlier
- increased cleaning

Longer hours will result in students and people without transportation requesting extended bussing. Some have to walk home, and to work in all types of weather, and all hours of the night and early mornings, which is happening now. We live in Northern Ontario and to suggest that we should follow the example of Southern Ontario WILL COME WITH ADDED COST. Are Sudbury residents ready to pay for more services; which will be required, and pay more taxes? Are Sudbury residents willing to pay more for goods and services? Sunday shopping has been a cost increase, to some stores and the bottom line has not increased in sales. Try and find a service rep in some stores on a Sunday to help you. Ask any employee in any major chain Store if they support more changes to hrs of work, and less time off during the week. The days of eight hr. work days for staff and forty hr. work weeks are few; and in some cases non existence. Some other Northern communities are following our lead with holiday shopping. We live in Northern Ontario, with the finest out door recreational activities in Canada and to tamper with the lives of employees, with more changes in work hours is unjust and not required.

Any enhancement will come at a cost to residence and employees who will NOT benefit from ANY form of extended store hours? Ask yourself if Family and friends are more important than the bottom line of some major retailers. Let's support retail staff and refuse any cost increases which will come with this non required request. If implemented be prepared to pay more, IN TAXES, AND GOODS SUPPLIED.

Submitted By: Jim Ilnitski



*Jim Ilnitski*  
 \_\_\_\_\_

City Council/file/news media  
 November,2012

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*JS*