

Presented To:	City Council
Presented:	Tuesday, Nov 26, 2013
Report Date	Friday, Nov 15, 2013
Type:	By-Laws
By-Law:	2013-262

## For Information Only

### 2014 Municipal Election By-Laws 2013-262 and 2013-263

#### Recommendation

For Information Only

## Background

### Part I: General Election Matters

#### **Municipal Election By-law 2013-262 A By-Law of the City Of Greater Sudbury to Authorize Various Matters Under the Municipal Elections Act, 1996, as Amended for the 2014 Municipal Election**

In accordance with the Municipal Election Act, 1996 as amended, "*the Clerk of the local municipality is responsible for conducting elections within the municipality*" which responsibility includes preparing for and conducting the election. The Act also provides for some decisions relating to the election to be made by Council, as for example the selection of the method of vote, which was approved by Council in September 2012. Other items which must be approved by by-law include the use of French in notices, forms and other information, establishment of the dates and hours for advance polls and setting of "reduced" Election Day hours for polling in care facilities.

The proposed By-Law contains provisions to allow for the use of French in prescribed forms, notices and other information sent out to electors or used during the election. In addition, the By-Law ensures that the referendum questions as ordered by the Office of the Chief Electoral Officer of Ontario as set out in By-Law 2013-93 and translated by a certified legal translator are authorized to appear on the ballot and in election materials in both French and English.

Council approved the use of Internet Advance Voting, which will be available to citizens 24 hours a day, 7 days a week between 8:00 a.m. on October 14, 2014 to and including 8:00 p.m. on October 24, 2014. In person advance voting locations will be available to the public on Saturday, October 18, 2014 between 10:00 a.m. and 5:00 p.m. The Election bus will be available as a mobile voting location which will be available at different places of employment and at the post secondary educational institutions during the advance vote period as scheduled by the Clerk.

In accordance with the legislation, the City is required to provide voting locations in nursing or retirement homes that meet the criteria of numbers of beds as set out in the Municipal Election Act. The City may

#### Signed By

##### **Report Prepared By**

Caroline Hallsworth  
Executive Director, Administrative  
Services/City Clerk  
*Digitally Signed Nov 18, 13*

##### **Recommended by the Department**

Caroline Hallsworth  
Executive Director, Administrative  
Services/City Clerk  
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##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Nov 18, 13*

however provide for reduced opening hours on voting day for these voting places located in institutions which meet the criteria in the Act. There are more than twenty nursing or retirement homes that meet this criteria and as in previous elections, these voting locations will be open to their residents for a period of three hours on election day as scheduled by the Clerk.

## **Part II: Actions of Council Restricted After Nomination Day**

### **Municipal Election By-law 2013-263**

#### **A By-Law of the City Of Greater Sudbury to Delegate Certain Authority to the Chief Administrative Officer During the Election Period**

Section 275 of the Municipal Act, 2001, provides that certain actions of Council are restricted after the September 12, 2014 Nomination Day or the October 27, 2014 Election Day (commonly referred to as a "lame duck" Council), if the new Council will include less than three quarters of the members of the outgoing Council. In the case of the City of Greater Sudbury, there would have to be less than nine returning members.

The determination of whether a Council can be categorized as lame duck can be made either:

1. after nomination day but before voting day, based on the nominations and acclamations during that period; or
2. after voting day, based on the results of the election and any acclamations.

In the event that Council were to become a lame duck, the following restrictions would apply for the remainder of its term:

1. Council may not appoint or remove from office any officer of the municipality.
2. Council may not hire or dismiss any employee of the municipality.
3. Council may not dispose of any real or personal property of the municipality which had a value exceeding \$50,000 when it was acquired by the municipality, unless the disposition was included in a budget adoption by Council prior to September 10th, 2010.
4. Council may not make any expenditure or incur any other liability exceeding \$50,000 unless the liability was included in a budget adoption by Council before September 10th, 2010.

However, the Act also provides for the following:

- Council may take all necessary and appropriate action in the event of an emergency.
- A person or body exercising authority delegated by Council is not prevented from acting. For example, where staff has specific delegated authority to hire or dismiss employees, dispose of property or incur expenditures without going to Council this authority is not affected.

These restrictions could prevent the current Council from completing some outstanding matters. These potentially include the award of contracts or expenditures of money required to complete necessary work, which may not be specifically budgeted. To avoid delay in those matters Council may, if it chooses, delegate authority to the C.A.O. for the lame duck period, until the new Council assumes office on December 1st, 2014. This delegation would only occur if the lame duck criteria are triggered.

Proposed By-law 2013-263 would authorize the C.A.O. to incur any liability (including the award of a contract) or authorize any expenditure, not included in the previously approved budgets and which would otherwise require Council approval, during the remainder of the term of this Council, provided:

1. the Treasurer advises the C.A.O. that such expenditure or liability is not detrimental to the financial interest of the municipality;
2. the term of any contract does not exceed 12 months; and

3. the Purchasing By-law is complied with in all other respects.

The C.A.O. would also be required to report at the first regular meeting of the new Council all actions taken under authority of this By-law. The By-law would come into effect either on September 12th, 2014 after 2:00 p.m., or on October 28, 2014, only if a lame duck Council occurs in either of the circumstances explained above, and would be in force only until November 30th, 2014.

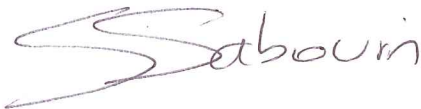
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I, Sylvie Sabourin, hereby certify that the attached French version of the three referendum questions I was instructed to translate by the Greater Sudbury is an exact translation of the source document as received electronically in English, and that it has been done to the best of my knowledge and abilities.

I further certify that not only am I a certified translator from the Association of Translators and Interpreters of Ontario (certification 2660), but that I have officially been granted specialization in the field of Law by the said Association (specialization certificate 2703).

Signed in Stittsville, Ontario, this 29<sup>th</sup> day of April 2013



Sylvie Sabourin  
Certified translator (Canada) EN-FR  
Specializing in Law

SWORN BEFORE ME AT OTTAWA, ONTARIO  
THIS 29<sup>th</sup> DAY OF APRIL, 2013



ADAM WISBERG

## Attestation

Je soussignée Sylvie Sabourin, certifiée par les présentes que la version française ci-jointe de trois questions référendaires réalisée à partir du document source en anglais qui m'a été fourni par voie électronique par la Ville du Grand Sudbury, est une traduction fidèle et exacte intégralement effectuée, par moi-même au mieux de mes compétences et capacités.


J'atteste en outre être non seulement une traductrice agréée par l'Association des traducteurs et interprètes de l'Ontario (agrément numéro 2660) et mais avoir été reconnue par ladite association comme une spécialiste en droit (reconnaissance de la spécialisation numéro 2703).

Fait à Stittsville (Ontario) Canada, ce 29<sup>th</sup> jour d'avril 2013.



Sylvie Sabourin  
Traductrice agréée EN-FR (Canada)  
Spécialisée en droit

SWORN BEFORE ME AT OTTAWA, ONTARIO  
THIS 29<sup>th</sup> DAY OF APRIL, 2013

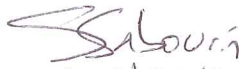


ADAM WISEBERG

- 1) Êtes-vous favorable au fait d'accorder aux établissements de commerce de détail le choix d'ouvrir au public le 26 décembre?
- 2) Êtes-vous favorable au fait d'accorder aux établissements de commerce de détail le choix d'ouvrir au public le jour du Congé civique, soit le premier lundi d'août?
- 3) Êtes-vous favorable au fait de permettre aux établissements de commerce de détail de choisir leurs heures d'ouverture au public?

SWORN BEFORE ME AT OTTAWA, ONTARIO  
THIS 29<sup>th</sup> DAY OF APRIL, 2013

  
ADAM WISEBERG

  
April 29, 2013

- 1) Êtes-vous favorable au fait d'accorder aux établissements de commerce de détail le choix d'ouvrir au public le 26 décembre?
- 2) Êtes-vous favorable au fait d'accorder aux établissements de commerce de détail le choix d'ouvrir au public le jour du Congé civique, soit le premier lundi d'août?
- 3) Êtes-vous favorable au fait de permettre aux établissements de commerce de détail de choisir leurs heures d'ouverture au public?

SWORN BEFORE ME AT OTTAWA,  
ONTARIO THIS 29th DAY OF APRIL,  
2013



ADAM WISEBEAL

Saboun  
April 29/2013

1) Are you in favour of retail business establishments having the choice to open to the public on December 26?

2) Are you in favour of retail business establishments having the choice to open to the public on the Civic Holiday, the first Monday in August?

3) Are you in favour of allowing retail business establishments to choose the hours when they are open to the public?