



CITY OF HAMILTON
CITY MANAGER'S OFFICE
City Clerk's Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 4, 2015
SUBJECT/REPORT NO:	Council Vacancy – Office of Councillor Ward 7 (CL15004) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Tony Fallis 905-546-2424, Ext. 2753 Rose Caterini 905-546-2424, Ext. 5409
SUBMITTED BY:	Rose Caterini City Clerk City Manager's Office
SIGNATURE:	

RECOMMENDATION

- (a) That the City Clerk be authorized and directed to prepare the required by-election by-laws; and,
- (b) That the amount of \$100,000 required to hold the by-election, funded through the Election Reserve Expense Account (112206), be approved.

EXECUTIVE SUMMARY

A vacancy for the office of Councillor Ward 7 has occurred as the Councillor (Scott Duvall) was elected as a Member of Parliament in the Federal Elections held October 19, 2015. The Councillor resigned from Hamilton City Council as of October 22, 2015.

As required by subsections 262(1) and 263(1) of the *Municipal Act, 2001*, Council at its October 28, 2015 meeting, declared the seat vacant and decided to fill the vacancy by by-election. The City Clerk was directed to report on the by-election process to the General Issues Committee.

The *Municipal Elections Act, 1996* requires that administration of a by-election must follow all legislative requirements of a regularly scheduled election. With consideration to this legislation, and the time required by the City Clerk's Office to administer all other operational requirements of an election, the following is a timetable of key dates for the Ward 7 by-election:

Wednesday, December 9, 2015	By-Law passed by City Council
Thursday, December 10, 2015	Nominations Commence
Friday, January 15, 2016	Final Day for receiving Preliminary List of Electors
Friday, February 5, 2016	Nominations Close at 2:00 p.m.
Thursday, March 10, 2016	Advance Poll Day
Saturday, March 12, 2016	Advance Poll Day
Monday, March 21, 2016	Election Day

As per the *Municipal Elections Act, 1996*, a person is eligible to be nominated, if on voting day, he or she,

- Resides in the City of Hamilton;
- Is the owner or tenant of land in the City of Hamilton or the spouse of such owner or tenant;
- Is a Canadian citizen;
- Is at least 18 years old; and
- Is not prohibited from voting under the *Municipal Elections Act, 1996* or otherwise by law.

By-Election Process

A by-law to hold the by-election must be passed within 60 days of the vacancy being declared.

Section 65 of the *Municipal Elections Act, 1996* requires that the clerk establish nomination day not more than 60 days from the day Council passes the by-law to hold a by-election, and that voting day be 45 days after nomination day.

The estimated cost of running a by-election is approximately \$100,000. This cost estimate is based on updated costs from the 2014 municipal elections and using the same number of voting locations, staffing of the polls and electronic voting equipment. This is in compliance with the *Municipal Elections Act, 1996* requiring by-elections be conducted, as far as possible, in the same manner as regular elections.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: \$100,000

Staffing: Over 100 election positions will be required

Legal: n/a

HISTORICAL BACKGROUND (Chronology of events)

The previous by-election in the City of Hamilton occurred in 2004, wherein Council chose to fill 2 vacant councillor seats by by-election.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Governing legislation for this matter can be found in the *Municipal Act, 2001*, and *Municipal Elections Act, 1996*.

As per the City's Council Procedural By-law and required council member appointments, the following committees will be available for an appointment:

Standing Committees:

- Emergency & Community Services Committee
- Public Works Committee

Sub-Committees:

- Accessible Transit Services Review
- Hamilton Licensing Tribunal
- HMRF/HWRF Pension Administration
- NHL/AHL/OHL Proposal
- Procurement
- School Board Properties
- Selection Committee
- Steel Committee

RELEVANT CONSULTATION

Legal Services was consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

(Include Performance Measurement/Benchmarking Data if applicable)

Council will meet its legislative requirement of filling the vacant seat on Council.

ALTERNATIVES FOR CONSIDERATION

(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)

n/a

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

n/a