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Declarations of Interest under the Municipal Conflict of Interest Act.

Speakers/Presentations - A complete list will be distributed at the meeting.

Communications/Reports

EX37.1	ACTION			Ward: All
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Election Administration By-laws - Updated Report (Bill 212)

Origin

(November 16, 2009) Report from the City Clerk

Recommendations

The City Clerk recommends that:

1. City Council authorize the dates and times for the 2010 election advance votes as follows:
 - a. If Bill 212 is not enacted by the Ontario Legislature:
 - i. Weekdays from Wednesday, October 20, 2010 to Friday, October 22, 2010 inclusive and Monday, October 25, 2010 to Wednesday, October 27, 2010, inclusive from 10:00 a.m. to 6:00 p.m.;
 - ii. Saturday, October 30, 2010, from 10:00 a.m. to 6:00 p.m.; and
 - iii. Sunday, October 31, 2010, from 10:00 a.m. to 6:00 p.m.
 - b. If Bill 212 is enacted by the Ontario Legislature:
 - i. Weekdays from Tuesday, October 5, 2010 to Friday, October 8, 2010 inclusive and Tuesday, October 12, 2010 to Wednesday, October 13, 2010, inclusive from 10:00 a.m. to 6:00 p.m.;
 - ii. Saturday, October 16, 2010, from 10:00 a.m. to 6:00 p.m.; and
 - iii. Sunday, October 17, 2010, from 10:00 a.m. to 6:00 p.m.
 - c. the City Solicitor be authorized to submit the appropriate bill once any amendments have been made to the Municipal Elections Act, 1996 by Bill 212;

2. City Council authorize elector information to be made available during regular municipal elections and by-elections in those languages which the most recent available Statistics Canada data shows was spoken and understood in the home by at least 2 percent of a ward's population, substantially in the form of the draft bill attached as Appendix 'C' to this report;
3. City Council direct that voting places shall open at 10:00 a.m. on voting day.
4. City Council direct that institutional voting places, as described in subsection 46(3) of the Municipal Elections Act, 1996, be open for the full voting day; and
5. Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of any bills.

Summary

It is recommended that Council enact by-laws establishing the dates and times for the advance votes and a formula to select the languages that certain election information will be available in. The advance votes dates and times by-law is a mandatory by-law that Council must pass. The language by-law is a permissive by-law. Copies of the proposed bills are set out in the appendices to this report.

The proposed amendments to the Municipal Elections Act, 1996 contained in Bill 212 (Good Government Act, 2009) will, if enacted, change voting day from November 8, 2010 to October 25, 2010. As Council will not be meeting again prior to the opening of nominations on January 4, 2010, the Clerk is recommending two possible sets of dates for advance votes, dependent upon whether Bill 212 is enacted or not. This will permit staff to include the appropriate dates in the Candidate's Guide whether or not Bill 212 is passed.

The City Clerk recommends that the by-law establishing a language formula be applicable to all regular municipal elections and by-elections in the City of Toronto, not just the 2010 election. The by-law establishing the dates and times of the advance votes will apply to the 2010 election only.

Financial Impact

If Council adopts the recommendations as stated, there are no financial implications arising from this report. However, if Council amends any of the recommendations, there may be additional costs depending on the nature of the amendment.

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

Background Information

Election Administration By-laws - Updated Staff Report (Bill 212)
(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-25322.pdf>)

EX37.2	ACTION			Ward: All
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Election Campaign Finance By-laws – Updated Report (Bill 212)

Origin

(November 16, 2009) Report from the City Clerk

Recommendations

The City Clerk recommends that the Executive Committee:

Establishment of a Contribution Rebate Program

1. Decide whether to recommend to City Council that a contribution rebate program be implemented for the 2010 election and, if so, recommend that City Council:
 - a. pass a by-law substantially in the form of the draft bill attached as Appendix 'A' to this report;
 - b. increase funding from the non-program account to the Elections Reserve Fund XR1017 by \$0.2 million to \$0.8 million per annum beginning in 2010 to pay for the program;
 - c. direct that any election campaign surplus funds at the end of the campaign period, paid to the Clerk under the Municipal Elections Act, 1996 by a candidate for office on Toronto City Council, will become the property of the City of Toronto and be deposited into the Elections Reserve Fund XR1017 in accordance with section 14 of the draft bill attached as Appendix 'A' to this report.

Corporate and Trade Union Contributions

2. Decide whether to recommend to City Council that a by-law be passed to prohibit all corporate and trade union contributions to candidates seeking office to Toronto City Council in all regular municipal elections and by-elections, substantially in the form of the draft bill attached as Appendix 'B' to this report.

Electronic filing of Candidate Financial Statements

3. Recommend that City Council pass a by-law to authorize the electronic filing of candidate financial statements in all regular municipal elections and by-elections substantially in the form of the draft bill attached as Appendix 'C' to this report.

General

4. Authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of the bills substantially in the form of Appendices 'A', 'B' and 'C', adjusted as necessary if and when the Municipal Elections Act, 1996 is amended by Bill 212.

Summary

Under the Municipal Elections Act, 1996, Council has the authority to pass by-laws to authorize a contribution rebate program, the prohibition of corporate and trade union contributions and the electronic filing of financial statements. These are all permissive by-laws. It is recommended that the by-laws prohibiting corporate and trade union contributions and the electronic filing of financial statements apply to all regular municipal elections and by-elections, not just the 2010 election. The contribution rebate by-law will apply only to the 2010 election.

Should Council decide to implement a rebate program for the 2010 election, it is recommended that the program parameters be the same as those for the 2006 election with the exceptions that all campaign surpluses required to be paid to the Clerk by a candidate for office on City Council will become the property of the City and the rebate application deadline will be extended to six months following the last supplementary reporting period.

If enacted, the proposed amendments to the Municipal Elections Act, 1996 contained in Bill 212 (Good Government Act, 2009) will provide that a contributor cannot make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council and all campaign surpluses paid to the Clerk by candidates running for office on City Council will become the property of the City.

Financial Impact

It is difficult to accurately estimate the cost of a contribution rebate program as it is dependent upon many factors including the number of candidates and contributors and the contribution levels.

In past years, the rebate program was funded from the Elections Reserve Fund, through an annual contribution of \$0.6 million from non-program to the reserve fund. However, the contribution from non-program has been insufficient to totally fund the rebate program. Additional withdrawals from the reserve fund, made up of annual contributions from the City Clerk's Office operating budget in non-election years, were required.

The main purpose of the Elections Reserve Fund is to fund the capital and operating requirements to deliver the municipal elections. The adequacy of the Elections Reserve Fund is being separately addressed in the 2010 operating budget process.

Table 3 in Appendix 'D' compares the impacts of the campaign activity of the participating candidates on the 2000, 2003 and 2006 contribution rebate programs. The following trends are evident:

- the number of candidates is increasing with each election;
- the number of candidates participating in the rebate program is increasing;
- the total number of contributors is increasing;
- the number of individual contributors is increasing;
- the total dollar amount of individual contributions is increasing;
- the number of corporate contributors is decreasing;

- the total dollar amount of corporate contributions is decreasing;

- the number of contributors applying for a rebate is increasing; and
- individual contributors are more likely to apply for a rebate than corporate or trade union contributors

If Council enacts the proposed provision that all campaign surpluses required to be paid to the Clerk will become the property of the City, candidates will no longer have the ability to opt out of the program in order to retain their surpluses. (If Bill 212 is enacted by the Legislature, it will require that all campaign surpluses will become the property of the City of Toronto at the end of the candidate's campaign period.) Therefore, it is likely that the costs of the 2010 election rebate program will be similar to those of the 2003 program (\$3,199,100).

It is estimated \$3.2 million will be required to fund the Contribution Rebate Program for the 2010 election, provided that the parameters of the program remain at the 2006 levels. The actual financial impact may exceed this estimate if a record number of candidates decide to run for office. The current annual non-program contribution of \$0.6 million, totalling only \$2.4 million over 4 years, is insufficient to fund the rebate program. The non-program contribution will need to increase to \$0.8 million beginning in 2010 to provide on-going stable funding for the rebate program. Rebate payments will be made to applicants in 2011 and 2012.

Should Council wish to avoid the projected \$0.8 million in added rebate costs, staff estimate that the maximum rebate payout would have to be reduced from the current \$1,000 to \$350 which would take the maximum rebate to what it was in 1997.

Should Council wish to increase the rebate payment formula, the contribution from the non-program account will need to be increased accordingly to ensure there is sufficient money in the reserve to fund future elections and by-elections.

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

Background Information

Election Campaign Finance By-laws - Updated Report (Bill 212)
<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-25316.pdf>

EX37.3	ACTION			Ward: All
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Establishment of a Compliance Audit Committee for the 2010 Municipal Election – Updated Report (Bill 212)

Origin

(November 16, 2009) Report from the City Clerk

Recommendations

The City Clerk recommends that:

1. City Council establish a compliance audit committee composed of three members and delegate all of Council's powers and functions under subsections 81(3), (4), (7), (10)

and (11) of the Municipal Elections Act, 1996 in respect of compliance audit applications;

2. City Council adopt the terms of reference for the compliance audit committee set out in Appendix “C” and direct the Clerk to make any amendments necessary to reflect enactment of the provisions of Bill 212 set out in Appendix “C”.
3. City Council adopt the membership selection process set out in Appendix ‘D’;
4. City Council establish a per diem of \$350 for attendance at meetings by Members of the Compliance Audit Committee.
5. the appropriate City officials be authorized and directed to take the necessary action to give effect thereto

Summary

This report recommends the establishment of a compliance audit committee composed of three members for the 2010 municipal election.

Under the existing section 81 of the Municipal Elections Act, 1996, Council may choose to either consider compliance audit applications itself or establish a committee for this purpose. For both the 2003 and 2006 elections, Council established a compliance audit committee to consider applications for a compliance audit of candidate financial statements. All of Council’s powers and functions under section 81 of the Municipal Elections Act, 1996 were delegated to the committee. (A copy of section 81 of the Act is attached as Appendix ‘A’)

The proposed amendments to the Municipal Elections Act, 1996 contained in Bill 212 (Good Government Act, 2009) make changes to section 81 and introduce a new section 81.1 to make a compliance audit committee mandatory for all municipalities and local boards if the Bill is passed in its current form. (A copy of the proposed sections is attached as Appendix ‘B’.)

A targeted search strategy will be undertaken to attract qualified individuals. A listing of recommended individuals will be submitted for Council’s consideration through the Executive Committee in early 2010. Each appointee to the compliance audit committee will receive the per diem established by Council for attendance at meetings (currently \$350).

Financial Impact

Factors involved in determining compliance audit committee costs include the number of compliance audit applications that might be received, the number of meetings that are required to be held and the complexity of the audits that may need to be conducted. Based on past experience and in anticipation of a further increase in the number of applications, given the increase in applications following the 2006 election (see Table 1), it is estimated that it may cost approximately \$75,000 for the targeted search advertising costs, remuneration costs for committee members, auditor costs to conduct five to seven non-complex audits and administration costs to support the committee.

Funding for this purpose is available in the Election Reserve and, if required, would be paid during 2011, 2012 and 2013.

Should more compliance audit applications be received than are anticipated or if the audits are complex, it will be necessary to seek Council's authorization for additional funds.

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

Background Information

Establishment of a Compliance Audit Committee for the 2010 Municipal Election - Updated Report (Bill 212)

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-25317.pdf>)

EX37.4	ACTION			Ward: All
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2010 Election Community Engagement Program

Origin

(November 16, 2009) Report from the City Clerk

Recommendations

The City Clerk recommends that City Council receive this report for information.

Summary

This report provides an overview of the 2010 Election Community Engagement Program with an emphasis on improving the voters' list, initiatives to engage eligible electors with special focus on tenants and the implications of Bill 212 (*Good Government Act, 2009*).

This initiative is being led by the City Clerk's Office in partnership with many internal and external groups, stakeholders, and community organizations. In addition, the City Clerk's Office is working jointly with Municipal Property and Assessment Corporation (MPAC) to ensure more tenants are included on the voters' list.

Financial Impact

The funds for the Community Engagement Program are included in the 2010 election event budget, which forms part of the City Clerk's 2010 Recommended Operating Budget. Should Council direct staff to undertake additional activities, there may be supplementary costs associated with additional programming.

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

Background Information

2010 Election Community Engagement Program

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-25318.pdf>)

EX37.5	ACTION			Ward: All
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Adjustments to the 2010 Fall Schedule of Meetings Due to Revised Municipal Election Dates

Origin

(November 18, 2009) Report from the City Clerk

Recommendations

The City Clerk recommends that:

If Bill 212 is enacted by the Ontario Legislature:

1. City Council approve the adjusted 2010 Fall portion of the Schedule of Meetings (August to December) as outlined in Attachment 1 to the report (November 18, 2009) from the City Clerk.
2. The City Clerk distribute the amended schedule to the City's agencies and special purpose bodies with a request that they:
 - a. avoid scheduling meetings, whenever possible, that conflict with the amended schedule; and
 - b. avoid scheduling public meetings, forums, public consultations and large scale meetings on days of cultural or religious significance as noted in the amended schedule.

Summary

The Province of Ontario has introduced Bill 212, "An Act to promote good government by amending or repealing certain Acts and by enacting two new Acts". If enacted, this legislation will move Nomination Day and Municipal Election Day ahead by two weeks. For 2010, this means that Nomination Day would be September 10, 2010 and the Municipal Election would be held on October 25, 2010.

This report recommends adjustments to the fall portion of the 2010 meeting schedule for Council and its Committees so that the last regular legislative cycle before the Municipal Election ends prior to the new Nomination Day

Financial Impact

There is no financial impact from this report.

Background Information

Adjustments to the 2010 Fall Schedule of Meetings due to Revised Municipal Election Dates (<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-25319.pdf>)

Attachment 1 - Adjusted 2010 Fall Meeting Schedule

(<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-25320.pdf>)