



Staff Report for Council Meeting

Date of Meeting: April 10, 2024

Report Number: SRCFS.24.012

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: SRCFS.24.012 – 2024 York Region District School Board (Wards 1, 2 and 4) Trustee By-election

Purpose:

To advise Council that the City Clerk will be required under the *Municipal Elections Act, 1996*, to conduct a By-election to fill the York Region District School Board (Wards 1, 2 and 4) Trustee vacancy, and to obtain other necessary permissions to accommodate the significant work required to administer a By-election.

Recommendation(s):

- a) That Staff Report SRCFS.24.012, regarding the 2024 York Region District School Board (Wards 1, 2 and 4) Trustee By-election (the “2024 YRDSB By-election”), be received;
- b) That, notwithstanding anything to the contrary in the Procedure By-law 125-23, as amended, the City Clerk be authorized to amend the 2024 Council/Committee Meeting calendar, by moving, adding or cancelling any previously scheduled meetings in May, June and July 2024 to accommodate the 2024 YRDSB By-election
- c) That the definition of “Recess Period” referred to in Subsection 1(1) of By-law 86-20, a By-law to delegate certain powers and duties during a recess of Council of the Corporation of the City of Richmond Hill, as amended, be deemed to include the period of time beginning on June 24, 2024 and ending on August 30, 2024; and
- d) That, notwithstanding anything in the Procurement By-law No. 113-16, as amended, and the Financial Control By-law No. 114-16, as amended, to the contrary, the City Clerk be authorized to acquire any goods or services, and to enter into and execute any contracts which the City Clerk deems necessary for the purpose of conducting the 2024 YRDSB By-election.

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Contact Person:

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, extension 2529

Report Approval:

Submitted by: Sherry Adams, Commissioner of Corporate and Financial Services

Approved by: Darlene Joslin, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

The City Clerk has been notified that Crystal Yu, York Region District School Board Trustee (Richmond Hill Wards 1, 2 and 4), has resigned her seat on the York Region District School Board ("Board"). Under Section 221(2) of the *Education Act, R.S.O. 1990, c. E.2*, the Board may require the local Municipal Clerk to conduct a By-election to fill a vacancy. The Clerk has been informally notified that the Board will require a By-election to fill the vacancy (the "2024 YRDSB By-election"). Under Section 7(3)2 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended ("Act"), the Board is responsible for all costs associated with a school board By-election.

Under Section 65(4) of the Act, the Clerk is responsible for fixing the date of Nomination Day to be a day not less than 30 days and not more than 60 days after the Clerk receives a copy of a resolution indicating a By-election is required. Voting Day is 45 days after Nomination Day. The preparation required to administer any By-election is significant. The City Clerk requires as much of the maximum 105 days between notice and Voting day as possible. As of the date this report was written, the required notice has not been received. It is expected that notice of the Board's resolution will be received during the week of April 8 to 12, 2024. Based on this, the City Clerk expects to set Nomination Day between June 7 and June 11, with Voting Day occurring between July 22 and July 26, 2024.

Council/Committee Meetings

The Office of the Clerk is responsible for the delivery of legislatively compliant elections, as well as effective and efficient Council and Committee meetings. Any election is a highly labour intensive process. Based on experience with the October 2020 School Board By-election, and the January 2022 Mayoral By-election, all staff in the Office of the Clerk will be required to dedicate between 85% and 100% of their time to the By-election for a period of approximately four (4) weeks prior to voting day. This will significantly reduce the capacity of the Office of the Clerk to administer Council/Committee meetings. It is recommended that the City Clerk be given the authority to move, add and cancel currently scheduled Council/Committee meetings in late May, June and July. Staff are currently reviewing options to accommodate the various important Council matters tentatively scheduled for the June and July meeting dates. At this time, it is expected that all meetings in the first two weeks of July will be cancelled. It is also expected that the meetings in June may be moved up one week. For example, it is possible that Committee of the Whole will be held on May 29 and June 12, instead of June 5 and 19, with the last Council meetings prior to summer recess being held on June 5 and 19.

Recess Delegation of Authority

Council enacted By-law 86-20, a By-law to delegate certain powers and duties during a recess of Council of the Corporation of the City of Richmond Hill ("Recess Delegation By-law"), to ensure that critical business continues when Council meetings are recessed for a long period of time. Normally the summer recess period when the Recess

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Delegation By-law applies includes only the last two weeks of July and the full month of August. As noted above, it is expected that the last Council meeting prior to summer recess will now occur in June. As such, it is recommended that the Recess Delegation By-law be deemed to apply to the period beginning on June 24, 2024 and ending on August 30, 2024. This will ensure that critical business continues during a likely extended summer recess.

Procurement of Goods and Services

To conduct any election, the City Clerk is required to procure numerous goods and services such as vote tabulators and ballots, internet voting systems, voters list management services, and other supplies. Normally the City Clerk works with Procurement Services to acquire the various goods and services competitively, well in advance of a regular election year. However, there is insufficient time to conduct competitive procurements for a By-election. It is recommended that the City Clerk be authorized to acquire any goods or services, and to enter into and execute any contracts which the City Clerk deems necessary for the purpose of conducting the 2024 YRDSB By-election, notwithstanding anything in the Procurement By-law No. 113-16 and the Financial Control By-law No. 114-16. As noted above, the Board will be responsible for paying the full cost of any goods and services acquired by the City Clerk following the election.

Financial/Staffing/Other Implications:

There are no direct financial implications associated with the 2024 YRDSB By-election. The Board will be responsible for all costs, including any staff time, associated with the By-election. It is expected that the Office of the Clerk will retain the services of one to three additional contract staff to support the By-election, the full cost of which will be paid by the Board.

Relationship to Council's Strategic Priorities 2020-2022:

The 2024 YRDSB By-election is a legislative obligation and not related to the Council's Strategic Priorities 2020-2022.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

The City Clerk expects to receive formal notice that will require him to administer a By-election for York Region District School Board Trustee (Richmond Hill Wards 1, 2 and 4). As a result, the City Clerk requires permission to make modifications to the Council/Committee meeting calendar to accommodate the significant work associated with administering the By-election, and to make adjustments to the Recess Delegation By-law as the summer recess period will be extended. The City Clerk is also seeking

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permission to acquire goods and services outside the normal processes, the cost of which will be charged to the Board.

Attachments:

None

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Report Approval Details

Document Title:	SRCFS.24.012 - 2024 YRDSB By-election.docx
Attachments:	
Final Approval Date:	Apr 4, 2024

This report and all of its attachments were approved and signed as outlined below:

Gigi Li - Apr 3, 2024 - 8:19 PM

Sherry Adams - Apr 4, 2024 - 10:12 AM

Darlene Joslin - Apr 4, 2024 - 1:37 PM