

## **APPOINTMENT OF RETURNING OFFICER**

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### **EXECUTIVE SUMMARY**

A recommendation to appoint the City Clerk as Returning Officer, to administer the provisions of the *Local Authorities Election Act (LAEA)*.

### **CITY CLERK'S RECOMMENDATION**

That Council give three readings to proposed Bylaw 32M2016 to amend the City Clerk's Bylaw 73M94.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

Council, at its meeting held 1990 November 13 adopted the Recommendation contained in Report C90-93 and appointed, by resolution, Ms. Barbara Clifford as the Returning Officer for the City of Calgary, effective 1990 December 24.

### **BACKGROUND**

Ms. Clifford has given notice of retirement from the City of Calgary after 26 years of service in the capacity of Returning Officer and as FOIP Coordinator and the Manager of Election and Information Services Division in the City Clerk's Office. During her time as Returning Officer, Ms. Clifford has overseen eight General Municipal Elections and numerous By-Elections.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Section 13(1) of the *Local Authorities Election Act* R.S.A. 2000, c.L-21, states as follows:

13(1) An elected authority may, by resolution, appoint a returning officer for the purposes of conducting elections under this Act.

In order for an organizational transition to occur at the Election and Information Services Division of City Clerk's, and for a competitive process for a new Manager of Elections and Census to take place, it is recommended that Council appoint the City Clerk as the Returning Officer effective 2016 July 1st.

It is further recommended that the appointment be made through an amendment to the City Clerk Bylaw 73M94. Section 180(3) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, provides that when Council is authorized to do something by resolution, it may do that thing by resolution or by bylaw. By including the appointment of the City Clerk as Returning Officer in the Bylaw, most of the powers, duties and functions assigned to the City Clerk by Council will be contained in a single document.

The City Clerk is a designated officer established under the City Clerk Bylaw 73M94, as amended. In addition to carrying out the powers, duties and functions assigned by Council in the Bylaw, the City Clerk also acts as the Clerk of the Assessment Review Board, the

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designated officer for the Subdivision and Development Appeal Board, and is the Head of the Local Public Body for the purposes of the *Freedom of Information and Protection of Privacy Act* R.S.A. 2000, c. F- 25.

Under Section 14 of Bylaw 73M94, as amended, the City Clerk may further delegate any authority delegated by Council to the City Clerk. Similarly, section 14(3) of the *Local Authorities Election Act* provides that a Returning Officer may delegate any of the Returning Officer's powers and duties. The City Clerk will delegate the Returning Officer's duties and powers to the position of Manager, Elections and Census.

### **Stakeholder Engagement, Research and Communication**

The City Manager and the Law Department were consulted with respect to the recommendation contained in this report.

### **Strategic Alignment**

In compliance with the strategic alignment of a Well Run City ensuring that Calgary's government is open, responsive, accountable and transparent.

### **Social, Environmental, Economic (External)**

The holding of elections is fundamental to the democratic process.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

There is no impact to the Operating Budget.

#### **Current and Future Capital Budget:**

There is no impact to the Capital Budget.

### **Risk Assessment**

If Council does not appoint a new Returning Officer, the secretary (Chief Administrative Officer) is deemed to have been appointed as Returning officer pursuant to section 13(2) of the *LAEA*.

### **REASON(S) FOR RECOMMENDATION(S):**

It is recommended for the City of Calgary to appoint a Returning Officer for the purposes of conducting elections under the *LAEA*.

### **ATTACHMENT**

1. Proposed Bylaw 32M2016 to amend the City Clerk Bylaw 73M94.