

# Council Vacancy Appointment Procedure

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## **Purpose**

The following procedure will be used when appointing an Eligible Elector to fill a vacancy on Council.

## **Definitions**

In these procedures:

“**Act**” means the *Municipal Elections Act*, 1996, S.O., 1996, c.32, Sched., as amended.

“**Candidate**” means an individual seeking to be appointed to fill a vacancy in the office of Councillor, having met the eligibility requirements and who has completed the requisite documentation as required by this procedure.

“**Chair**” means the Member of Council presiding at the Council meeting to appoint an individual to fill a Council vacancy.

“**Clerk**” means the Municipal Clerk, or designate.

“**Council**” means the Council of The Corporation of the United Townships of Head, Clara & Maria.

“**Eligible Elector**” has the same meaning as subsection 17(2) of the Act, namely a person:

- (a) who is a resident of the Municipality, or an owner or tenant of land in the Municipality or the spouse of such an owner or tenant;
- (b) who is a Canadian Citizen;
- (c) who is at least 18 years old; and,
- (d) who is not prohibited from voting under any other Act or from holding municipal office.

“**Lot**” means a method of determination by placing the names of the Candidates on equal size pieces of paper and placed in a container with one Candidate name being drawn by the Clerk.

“**Municipality**” means The Corporation of the United Townships of Head, Clara & Maria.

“**Procedure By-law**” means By-law Number 2015-07, as amended.

## **General**

1. Any individual filling the vacancy must be an Eligible Elector.

## **Appointment Procedure**

### **Notice**

1. The Clerk will post a Council Vacancy notice as per the Municipal Notice By-law after the vacancy has been declared by Council. The notice will outline the application process as per this document.

### **Application**

2. Any individual wishing to be considered for appointment to fill the Council vacancy will complete and sign the Council Vacancy Application Form and a Council Vacancy Declaration of Qualification form approved by the Clerk, and will submit the forms to the Clerk in-person by the date and time established by the Clerk.
3. Any individual wishing to be considered for appointment to fill the Council vacancy will be required to provide identification to prove his or her identity and qualifying address to the satisfaction of the Clerk.

4. Candidate(s) may submit a personal statement of qualification for consideration of Council on the forms provided, and will include the Candidate(s) name and address. Statements that do not meet these requirements shall not be included in any Council meeting agenda, or provided to Council by the Clerk. The Clerk will advise Candidate(s) of the deadline for submission of a personal statement.
5. It is the Candidate(s) sole responsibility to meet any deadline or otherwise comply with any requirement of this procedure.
6. The Clerk will create a list of all Candidates for Council's review and selection.

### **Council Meeting**

7. A vote to fill a vacancy on Council by appointment will occur at an open Council Meeting. The meeting may be a regular Council Meeting or a special Council meeting called for that purpose.
8. Notwithstanding the requirement of the Procedure By-law, if the meeting is a regular council meeting, the agenda for the meeting shall be set by the Clerk to allow for the orderly proceeding of selecting a Candidate, while respecting the standard agenda of a regular Council meeting.
9. Notwithstanding the requirement of the Procedure By-law, if the meeting is a special council meeting, the agenda for the meeting shall be set by the Clerk to allow for the orderly proceeding of selecting a Candidate.
10. At the meeting, the following will take place:
  - a. The Chair will make a short statement for the purpose of the meeting and the general order of proceedings to be followed.
  - b. The Clerk will provide to the Chair a list of the names of qualified applicants and the Chair will call for a motion from Council in the following form:

“THAT the following individuals, who have signified in writing that they are legally qualified to hold office and consented to accept the office if they are appointed to fill the Council vacancy, be considered by Council for appointment to fill such vacancy.”

- c. Each of the Candidates will be afforded the opportunity to address Council for a period of not more than ten (10) minutes. The order of speaking will be determined by Lot. The Clerk will place the names of all Candidates in a container and randomly draw the names.
- d. Each member of Council will be permitted two (2) questions to each Candidate.
- e. Upon hearing all the submissions of the Candidates, Council will proceed to vote as follows:
  - i. Members of Council will vote by way of public vote as required *by the Municipal Act, 2001*.
  - ii. Candidate names will be displayed in alphabetical order, in the Council Chambers by the Clerk.
  - iii. Members of Council will vote for one Candidate only.

- iv. The Clerk will place the names of all Members of Council in a container and randomly draw their names to select the order of the vote.
- v. Members of Council will verbally cast their vote for one (1) Candidate.
- vi. The Clerk will tabulate the results.
- vii. If there are more candidates than positions, and if the Candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the Candidate or Candidates who received the fewest number of votes will be excluded from further consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the Candidate or Candidates who receive the fewest number of votes. This process will be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.
- viii. Where the votes cast are equal for all the Candidates and if:
  - 1. There are three or more Candidates remaining, the Clerk will by Lot select one such Candidate to be excluded from the subsequent voting;
  - 2. If only two (2) Candidates remain, the tie will be broken by selecting a Candidate by Lot, as conducted by the Clerk.
- f. Upon conclusion of the voting, the Clerk will note the Candidate receiving the votes of more than one-half of the number of the voting members of Council or the Candidate selected through section (e)(viii)(2).
- g. The appointment of the Candidate will be made by by-law. A by-law confirming the appointment will be enacted by Council.
- h. The Clerk will administer the Declaration of Office required by subsection 232(1) of the Municipal Act, 2001, at the meeting where the By-law referred to in subsection 9(g) of these procedures is enacted by Council, or as directed by Council.