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Council Vacancy Appointment Procedure

Purpose:

The purpose of this procedure is to establish consistent standards and guidelines for the filling of Council vacancies which occur during a term of office where Council has by resolution determined that a vacancy shall be fulfilled by an appointment process.

Scope:

This procedure applies to the filling of a Council vacancy where the Council for the Municipality of Middlesex Centre has directed that the appointment procedure set out herein be utilized to fill a vacancy.

Definitions:

“By-Election” means an election, other than a regular election, held to fill a vacancy on Council and that is conducted in accordance with the Municipal Elections Act, 1996, as amended.

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

“Clerk” means the Clerk or his/her designate of the Municipality as appointed by Council.

“Council” means the Council of the Municipality.

“Eligible Elector” is defined in accordance with subsection 17(2) of the Municipal Elections Act, 1996, and is namely a person:

- a) who is a resident of the Municipality of Middlesex Centre, 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” refers a method of determination by placing the names of the Candidates on equal size pieces of paper and placing them in a container with one (1) Candidate name being drawn by the Municipal Clerk.

“Vacancy” means a seat on Council that is vacant in accordance with Section 259 of the Municipal Act, 1990.

Procedure:

The Clerk, or designate, shall be responsible for interpreting and where appropriate, facilitating the appointment application process. The Clerk has the authority to make minor technical amendments to this procedure as may be required from time to time.

Appointment from Previous Election Candidates

1. Council shall declare the seat of the Member of Council to be vacant in accordance with the Municipal Act.
2. The Clerk shall provide Council with a report including:
 - a. The details regarding the results of the most recent election for the office of the vacancy.
 - b. If the candidate who received the next greatest amount of votes to those who were elected is able and agreeable to filling the vacancy Council may pass a resolution that that person shall be appointed to fill the vacancy;
 - c. A by-law confirming the appointment shall be enacted by Council appointing the successful nominee to the office for the remainder of the term of the present Council.
3. The vote to appoint a member to the position of Councillor from previous election candidates shall be held within 60 days from the declaration of the vacancy and shall occur at a Council meeting.

Appointment by Call for Nominees

Notice of Vacancy

1. Where Council has directed that a Vacancy be filled by appointment, and has endorsed the use of this procedure, the Municipality will notify the public of the Vacancy by posting a notice on the Municipality’s website, social media accounts and in a newspaper which is circulated to Middlesex Centre residents.

This notice will further outline the requirements to be considered for appointment to the vacant office and the process to submit an application.

Application Process

1. Any individual wishing to be considered for appointment to fill a Vacancy will complete and sign a Council Appointment Nomination form and a Declaration of Qualifications form supplied by the Municipal Clerk;
2. Applications for a vacant seat may be filed with the Municipal Clerk. Candidates shall submit the forms to the Municipal Clerk in-person by the deadline established by the Municipal Clerk. The time period to submit applications will allow for a minimum of 10 business days for the submission of applications.
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 Municipal Clerk.
4. Candidates shall submit a statement outlining their qualifications , to a maximum of five pages in length, along with their application, which will be included in the package for Council review ahead of a Council meeting to consider applications.
5. It is the Candidate's sole responsibility to meet any established deadlines and to otherwise comply with any requirement of this procedure.
6. A Candidate who wishes to withdraw his/her application may do so in person and in writing to the Municipal Clerk. The deadline for any withdrawal shall be any time up to 4:30 p.m. on the day prior to a Special Council meeting to consider applications.

Council Meeting to Fill Vacancy

1. A vote to fill a vacancy on Council by appointment will be a Council meeting called for that purpose. All qualified candidates who have submitted an application for the vacant seat will be notified by the Municipal Clerk of the date and time of this special meeting of Council. During this meeting, candidates will have the opportunity to address Council or submit comments along with their previously prepared application and statement of qualifications.
2. Notwithstanding the requirements of the Procedural By-law, the agenda for the meeting shall be set by the Municipal Clerk. The proceedings will occur as follows:
 - a) The Chair will provide those in attendance with an overview of the meeting and the general order of proceedings to be followed.
 - b) Each Candidate who has registered to participate will be given the opportunity to address Council for a period of no more than five (5) minutes. The order of

speaking will be determined by Lot. The Municipal Clerk will place the names of all Candidates in a container and randomly draw the names.

- c) Once all Candidates have presented, a selection vote will proceed as follows:
 - i. Members of Council will vote by way of ballot prepared by the Municipal Clerk. This ballot will display Candidate names in alphabetical order and Council Members will each mark one name on their ballot
 - ii. The Municipal Clerk will write the name of each Member of Council on their voting ballot. The Member of Council shall then sign the voting ballot once completed.
 - iii. The Municipal Clerk will collect all marked and signed voting cards, and will tabulate the results on a tally sheet to be used for this purpose.

Vote Counting Procedure

1. The Candidate who receives the votes of more than one-half of the number of members of Council present and voting shall fill the vacancy.
2. A spoiled or incomplete ballot will be rejected by the Municipal Clerk and the vote taken on the remaining ballots.
3. 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 name of a Candidate or Candidates excluded shall be removed from the monitors. The vote will be taken again by the Municipal 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.
 - i. Where the votes cast are equal for all the Candidates and if:
 - a) There are three or more Candidates remaining, the Municipal Clerk will by Lot select one such Candidate to be excluded from the subsequent voting;
 - b) If only two (2) Candidates remain, the tie will be broken by selecting a Candidate by Lot to fill the vacancy, as conducted by the Municipal Clerk.
 - e) Upon conclusion of the voting, the Municipal Clerk will declare the Candidate receiving the votes of more than one-half of the number of the voting members of Council or the Candidate selected through the tie breaking method.

4. The appointment of the Candidate will be made by by-law. A by-law confirming the appointment will be enacted by Council.
5. The Municipal 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 10 (g) of these procedures is enacted by Council, or as directed by Council.
6. Where a situation occurs that is not otherwise accounted for in these procedures, the Municipal Clerk shall recommend an alternate process to Council, which Council may adopt with a simple majority vote.