



Meeting Date: January 6, 2021

Submitted by: James Hutson, Municipal Clerk

Report No: CLK-01-2021

Subject: Council Vacancy – Ward 4

Recommendation:

THAT Report CLK-01-2021 re: Council Vacancy – Ward 4 be received;

AND THAT Council declares the office of the Ward 4 Councillor vacant due to the resignation of Ward 4 Councillor Derek Silva;

AND FURTHER THAT the Municipal Clerk be directed to bring a report regarding methods to fill the vacant Ward 4 Councillor seat to the February 3, 2021 Council meeting.

Purpose:

The purpose of this report is to seek a formal declaration by Council to declare the office of the Ward 4 Councillor vacant in accordance with Section 260 (1) of the *Municipal Act, 2001*.

Background:

Members of Council and the Municipal Clerk received a written resignation from Ward 4 Councillor Derek Silva on Thursday, December 18, 2020. As a result of this resignation and in accordance with legislative requirements set out in Section 262 (1) of the *Municipal Act, 2001*, Council is required to formally declare this seat vacant at the next regularly scheduled meeting of Council.

Analysis:

Sections 259 through 268 of the *Municipal Act, 2001* outline the scenarios in which a Council seat may become vacant. There are several circumstances in which a vacancy may occur on a municipal Council and the resignation of a member is included within these.

The relevant legislation further sets out the subsequent actions which are required to be undertaken in the event that such a vacancy occurs. It is noted therein that within 60 days after Council declaring a Council seat vacant, the municipality shall determine a method by which the vacant seat will be filled. In accordance with these stipulations, a further report detailing these options for filling a Council vacancy will be brought forth to the February 3, 2021 meeting of Council.

Section 262 outlines the two options available to municipalities when filling a vacant Council seat. The Act allows for either:

- (a) the fulfilment of the vacancy through appointment by Council of a qualified elector; or
- (b) a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act*,

The steps involved with undertaking either of the above two methods to fill the vacancy will be further detailed in the forthcoming report and staff will seek direction from Council to proceed with one of these two options.

The municipality is prepared to undertake the required steps to fulfill the vacancy in the manner selected by Council and in the interim period members of Council, staff and the Mayor will work collaboratively to service the Ward 4 residents.

Financial Implications:

There are no financial implications to this report.

Strategic Plan:

This matter aligns with following strategic priorities:

- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

A1 Email of resignation from Derek Silva – December 18, 2020