



Staff Report

Administration

Report To: Committee of The Whole
Meeting Date: January 28, 2020
Report Number: FAF.20.009
Subject: Options to Fill Vacant Deputy Mayor Office
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.20.009, entitled "Options to Fill Vacant Deputy Mayor Office";

AND THAT Council direct staff to proceed with Option ____ to fill the vacant Deputy Mayor Office;

AND THAT Council direct staff to provide Council with a further report identifying the specific timelines associated with the selected Option to the February 10, 2020 Council Meeting.

B. Overview

In accordance with the *Municipal Act*, S.O. 2001, c.25, when the seat of a Member of Council becomes vacant, Council is required to declare the seat vacant and determine if the seat will be filled by By-election or Appointment. A vacancy can occur on Council in several different ways, including the death or resignation of a Member, when a Member becomes disqualified from holding office, is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council, is appointed or elected to fill any vacancy in any other office on the same council, or forfeits his or her office under this or any other Act.

The *Municipal Act* requires Council to fill a vacant Council office, within 60 days of the vacancy, unless the vacancy occurs within 90 days of the election.

C. Background

On January 6, 2020, Deputy Mayor Bartnicki provided her written resignation to the Town Clerk. At the January 13, 2020 Council Meeting, Council declared the Deputy Mayor seat to be vacant, resolving as follows:

Moved by: Andrea Matrosovs Seconded by: Rob Potter

THAT Council receive Staff Report FAF.20.007, entitled "Resignation of Deputy Mayor Bartnicki, Declaration of Deputy Mayor Office to be Vacant";

AND THAT Council of the Town of The Blue Mountains acknowledges receipt of the resignation of Deputy Mayor Bartnicki dated January 6, 2020 from the position of Deputy Mayor;

AND THAT, in accordance with section 262 of the *Municipal Act, 2001*, Council of the Town of The Blue Mountains does hereby declare the office of Deputy Mayor to be vacant, Carried.

Past Vacancies

Since 1998, the Town of The Blue Mountains has realized a number of Council vacancies. During the 2003 to 2006 term of Council, Councillor Holden passed away in 2004. Council appointed Michael Martin for the balance of the term as he was next in the poll results in the 2003 election.

In the 2014 to 2018 term of Council, Councillor Michael Seguin resigned in 2018. As the resignation was after March 31 in an election year, Council opted to fill the vacancy “by lot” from a slate of candidates that had filed their nomination papers for the Councillor position in the 2018 election, and wished to be considered for the appointment.

Council Composition Committee Recommendation

Further to the recent recommendation of the Council Compensation Committee that Council consider reducing the composition of Council to eliminate the Deputy Mayor office, staff confirm that changing the composition to eliminate the Deputy Mayor position at this time is not permitted.

The *Municipal Act* states that a by-law is required to be passed to change the council composition, which would come into effect after the first regular election following the passing of said by-law. If the by-law to change the council composition is passed before voting day in the year of a regular election, the change in composition shall not come into force until after the second regular election following the passing of the by-law.

Municipal Act, 2001

The Municipal Act, 2001 establishes two ways to fill a vacancy, by appointment or by holding a by-election. Section 263 of the Municipal Act provides that:

Filling vacancies

- 263 (1)** If a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,
- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
 - (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*.

Section 265(5) establishes the rules applying to filling vacancies.

Rules applying to filling vacancies

265 (5) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall,
 - i. appoint a person to fill the vacancy under subsection (1) or (4), or
 - ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).
2. Despite paragraph 1, if a court declares an office to be vacant, the council shall act under subsection (1) or (4) within 60 days after the day the court makes its declaration.
3. Despite subsections (1) to (4), if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy. 2001, c. 25, s. 263 (5).

Section 264 of the *Municipal Act, 2001*, provides that a person appointed or elected to fill a vacancy shall hold the office for the remainder of the term of the person he or she replaced.

Section 256 of the *Municipal Act* sets out the eligibility requirements for persons qualified to be elected or to hold office as a member of a Council of a local municipality. In summary, every person who is entitled to be an elector in The Blue Mountains may be appointed. To be an elector, the person under consideration must, on voting day, (a) reside in the municipality or be the owner or tenant of land there, or the spouse of such owner or tenant, (b) be a Canadian Citizen, (c) be at least 18 years old and (d) not be prohibited from voting.

Under section 258 (1) of the *Municipal Act, 2001*, the following are not eligible to be elected as a member of a council or to hold office as a member of a council: an employee of the municipality; a person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman, registrar or an investigator of the municipality; a person who is not an employee of the municipality but who holds any administrative position of the municipality; a judge of any court; a member of the Legislative Assembly or of the Senate or House of Commons of Canada; and a public servant.

D. Analysis

The following lists a number of options available to Council to fill the vacancy, it being noted that this list is not exhaustive, and that Council has the option of filling the vacancy in any way that is in compliance with the legislation.

Option #1 Pass a By-law Requiring a By-Election be Held to Fill the Council Vacancy

Council has the option of passing a by-law authorizing a by-election. The *Municipal Elections Act* (“MEA”) states that if such a by-law is passed, that the nomination day would occur a maximum of sixty (60) days from the passing of the by-law (potentially mid-April, 2020), with voting day occurring forty-five (45) days after nomination day (potentially end of May, 2020). The MEA states that a by-election must be held “as far as possible” in the same manner as the regular election, which would include telephone and electronic voting, with a voting centre open in the Town Hall.

A by-election may be the most democratic option to fill the vacancy, but it will also be the most expensive. The 2018 Municipal and School Board election cost \$51,868. These costs included the costs to retain the internet and telephone voting provider and Canada Post to mail the Voter Information Letters. Though the by-election would be only for a single vacant council seat, the cost would be very similar to the previous election as the same steps are required, including mailing the voter information letters and updating the Voter’s List.

Option #1 Pass a By-law Requiring a By-Election be Held to Fill the Council Vacancy.

Option #2 Appointment of a Former Candidate to Fill a Vacancy

If Council chooses to fill the vacancy by appointing a candidate from the previous regular election, the process shall generally be in accordance with the attached “Procedure to Appoint a Former Candidate to Fill a Vacancy”, or in accordance with a selection process outlined by Council (Attachment #1).

Option #2a) Appointment of a Former Candidate to Fill a Vacancy to appoint the Candidate with the most number of votes in the previous election for the office that has been declared vacant; or

Option #2b) Appointment of a Former Candidate to Fill a Vacancy in accordance with the selection process outlined by Council.

Option #3 Appointment of a Current Member of Council

Council has the option to fill the current vacancy by appointing a current member of Council to the position of Deputy Mayor. An appointment of a current member of Council to the position of Deputy Mayor would trigger a vacancy in the Councillor position that would then have to be filled, following the same process as identified within this staff report.

It should be noted that Council adopted Policy POL.COR.18.03 “Appointment of an Alternate Member of Council to Grey County Council” (Attachment #2) that appoints a Councillor to attend Grey County Council meetings in the absence of the Mayor or Deputy Mayor. Councillor Potter was appointed as the “Alternate Member”, having received the highest number of votes for the Councillor seat in the 2018 election. If the current Grey County Council Alternate is appointed to the Deputy Mayor position, Council would appoint another member of Council to act as the Grey County Alternate Member of Council for The Blue Mountains in accordance with

the attached Policy. The Town of The Blue Mountains 2018 Municipal and School Board Election Results are attached to this staff report as Attachment #3 for information.

If Council directs that the vacancy shall be filled by a current member of Council, Council directs that the vacancy shall be filled via one of the following Options:

Option #3a) Appointment of a Current Member of Council by appointing the Member of The Blue Mountains Council appointed as the "Alternate Member of Council to Grey County Council", being Councillor Rob Potter, to fill the Deputy Mayor vacancy for the 2018 to 2022 term of Council; or

Option #3b) Appointment of a Current Member of Council, in accordance with the attached "Procedure to Appoint a Member of Council to Fill a Vacancy" (Attachment #4).

Option #4 Appointment of An Eligible Elector to Fill a Vacancy

If Council chooses to fill the vacancy by appointment of an Eligible Elector, the process shall generally be in accordance with the attached "Procedure to Appoint an Eligible Elector to Fill a Vacancy" (Attachment #5).

Option #4 Appointment of An Eligible Elector to Fill a Vacancy in accordance with the "Procedure to Appoint an Eligible Elector to Fill a Vacancy" as attached to Staff Report FAF.20.009

E. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Objective #3 Strengthen Partnerships

Goal #4: Promote a Culture of Organizational & Operational Excellence

Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

F. Environmental Impacts

None

G. Financial Impact

There will be significant costs to fill the vacant Council seat, similar to the cost of the 2018 election, if Council directs that a by-election be held to fill the vacancy.

H. In consultation with

Shawn Everitt, CAO

Harold Elston, Solicitor

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Corrina Giles, Town Clerk, townclerk@thebluemountains.ca

J. Attached

1. Procedure to Appoint a Former Candidate from the Previous Regular Election to Fill a Vacancy.
2. Appointment of an Alternate Member of Council to Grey County Council, Policy POL.COR.18.03
3. The Blue Mountains 2018 Municipal and School Board Election Results
4. Procedure to Appoint a Current Member of Council to Fill a Vacancy.
5. Procedure to Appoint an Eligible Voter to Fill a Vacancy.

Respectfully Submitted,

Corrina Giles
Town Clerk

Shawn Everitt
Chief Administrative Officer

For more information, please contact:
Corrina Giles, Town Clerk
townclerk@thebluemountains.ca
519-599-3131 extension 232



Town of The Blue Mountains

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Procedure to Appoint a Former Candidate from the Previous Regular Election to Fill a Vacancy

The following procedure will be followed when appointing a former Candidate to fill a Vacancy:

A. Definitions:

In this procedure:

“Candidate” means any person who was nominated in the most recent regular municipal election for election to the office that has been declared Vacant, provided that the nomination was certified by the Town Clerk in accordance with the *Municipal Elections Act, 1996*, and further provided that they are still qualified under the *Municipal Elections Act* to hold the office.

“Chair” means the Member of Council presiding at the Council Appointment Meeting

“Council Appointment Meeting” mean the regular or Special Meeting of Council where Council will appoint a Former Candidate to fill a Vacancy.

“Town Clerk” and **“Deputy Clerk”** means the Clerk and Deputy Clerk of the Town of The Blue Mountains.

B. General

1. Council may decide by resolution to fill a Vacancy by Appointment of a former Candidate.
2. To be considered for Appointment, a Candidate must meet all the requirements to hold the Vacant office, and must not otherwise be disqualified from holding that office.
3. It is the Candidate’s sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the Town Clerk as part of the Appointment process.

C. Method of Selection of Candidate to Fill a Vacancy

1. Council may decide by resolution, on or before the Council Appointment Meeting, how the Appointment process shall be conducted. Council may:
 - a. Choose to appoint the Candidate which received the most number of votes in the previous municipal election for the office that has been declared vacant; or,
 - b. Any other selection process that Council decides to enact.

D. Notice Process

1. Notice of Council's decision to appoint a Candidate shall be provided as follows:
 - a. Notice of the Vacancy shall be posted by the Town Clerk on the Town's website and in a local newspaper having general circulation in the area; and,
 - b. Notice will also be provided by regular lettermail to the last known address of all Candidates for the vacant office.
2. The Notices will identify Council's intention to appoint an eligible Candidate to fill the Vacancy, and:
 - a. The eligibility requirements to fill the Vacancy;
 - b. Any requirement established by the Clerk, including but not limited to:
 - i. Application forms;
 - ii. Declaration of eligibility; and
 - iii. Deadline for submissions, which shall be no less than two weeks (14 calendar days).

E. Review of Applications

1. The Clerk shall examine all Application forms received from Candidates by the deadline to ensure the eligibility of the Candidate. At a minimum, the Town Clerk shall ensure that the Candidate:
 - a. Complied with any requirement established by Council or the Town Clerk;
 - b. Was a Certified Candidate for the Vacant office in the previous regular municipal election; and
 - c. Is eligible under the Act, the *Municipal Elections Act, 1996*, or any other legislation to hold the office that has been declared Vacant.
2. The Clerk will certify a list of all Candidates who are eligible for Appointment. Candidates that do not meet the eligibility requirements will be notified in writing by the Town Clerk.

3. The Clerk shall provide Council with the certified list of Candidates eligible for Appointment, prior to the Council Appointment Meeting which shall include the Candidate's name and the number of votes received by the Candidates in the previous municipal election.
4. The Clerk shall provide notice to the certified list of Candidates of the date and time for the Council Appointment Meeting. Candidates are solely responsible for attending any Council Appointment which will not be rescheduled due to a Candidate's conflict.



Policy

POL.COR.18.03

Appointment of an Alternate Member of Council to Grey County Council

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	June 18, 2018
Department:	Administration
Staff Report:	FAF.18.70
By-Law No.:	not required

Policy Statement

Following each Municipal Election, Council of The Corporation of the Town of The Blue Mountains wishes to appoint an Alternate Member of Council to attend Grey County Council meetings, when the Mayor or Deputy Mayor are unable to attend, for any reason.

Purpose

The purpose of this policy is to provide a clear process for the appointment of an Alternate Member to Grey County Council following a Municipal Election.

Application

This policy applies to all Members of Council.

This policy is intended to:

- i. ensure compliance with Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 and the Municipal Act;
- ii. establish a clear process for the appointment of an Alternate Member to Grey County Council if the Mayor or Deputy Mayor are unable to attend a Grey County Council meeting, for any reason
- iii. provide direction in the event that no Member of Council wishes to accept the appointment of Alternate Member to Grey County Council

Definitions

“Alternate Member” means the Member of Council of The Corporation of the Town of The Blue Mountains who will serve on the upper tier Council in the event that the Mayor or Deputy Mayor are unable to attend a meeting of Grey County for any reason.

“County Council” means the Council of The Corporation of the County of Grey.

“Inaugural Meeting” means the first regularly scheduled meeting in the Town of The Blue Mountains term of Council.

“Lower Tier” means the Council of The Corporation of the Town of The Blue Mountains.

“Municipal Election” means the voting process undertaken by municipalities every four (4) years to elect a Mayor, a Deputy Mayor, Councillors, and School Board Trustees.

“Town Clerk” means the Clerk of the Town of The Blue Mountains, or their designate.

“Upper Tier” means the Council of The Corporation of the County of Grey.

Procedures

1. Following the Inaugural Meeting of Council, the Town Clerk of the Town of The Blue Mountains will contact the newly appointed Councillors in the order of highest votes received in the most recent Municipal Election, until a Councillor agrees to the Alternate Member appointment.
2. The Councillor who receives the most votes in the most recent Municipal Election has the first right of refusal to be appointed as the Alternate Council Member for the term of Council, to attend Grey County Council Meetings in the place of the Mayor or Deputy Mayor, when absent.
3. If the seat of the council member appointed as the Alternate Member becomes vacant, Council of the Town of The Blue Mountains may appoint another of its Councillors as the Alternate Member for the remainder of the Council term, following the same process identified above.
4. If no Councillor wishes to be appointed as the Alternate Member, no Alternate Member appointment will be made for the term of Council.
5. The Town Clerk will prepare an open report and recommendation to appoint the Alternate Member.

Exclusions

The appointed Alternate Member cannot act as the alternate for the Warden of the County.

The appointed Alternate Member cannot cover vacancies of a local council where a seat has been declared vacant in accordance with Section 259.

The appointed Alternate Member shall only attend upper tier Council Meetings when the Mayor or Deputy Mayor cannot attend for any reason.

References and Related Policies

1. Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017
2. Municipal Act

Consequences of Non-Compliance

The Town Clerk is authorized and directed to take the necessary action to give effect to this policy.

Review Cycle

This Policy shall be reviewed by the Town Clerk once per Council term, and will be updated in accordance with legislative requirements.

Results Report

Town of The Blue Mountains

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10/23/2018 20:18:33

Number of ballots cast:	4785
Number of blank ballots:	1

Mayor

Candidate		
ARDIEL, Gail		1505
SOEVER, Alar		2029
WILDING-DAVIES, David		1215
	Number Of Undervotes:	36
	Number Of Overvotes:	0
	Total Number Of Votes:	4749
	Total Number Of Blanks:	36

Deputy Mayor

Candidate		
BARTNICKI, Odette		2167
MARTIN, Michael		1801
MITCHELL, Paul		667
	Number Of Undervotes:	150
	Number Of Overvotes:	0
	Total Number Of Votes:	4635
	Total Number Of Blanks:	150

Results Report

Town of The Blue Mountains

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10/23/2018 20:18:33

Councillor

Candidate		
BORDIGNON, Peter		2469
HOPE, Paula		2048
MATROSOVS, Andrea		2063
MAXWELL, Alex		1280
PETTIT, Terrence		1506
PORTER, June		1731
POTTER, Rob		2689
SAMPSON, Rob		2398
URAM, Jim		2162
WHITE, John		1627
	Number Of Undervotes:	3952
	Number Of Overvotes:	0
	Total Number Of Votes:	19973
	Total Number Of Blanks:	88

Conseiller, Conseil Scolaire Viamonde

Candidate		
BELCOURT, Guy		0
CARUSO, Saveria		2
LAPOINTE, Eric		7
	Number Of Undervotes:	4
	Number Of Overvotes:	0
	Total Number Of Votes:	9
	Total Number Of Blanks:	4



Town of The Blue Mountains

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Procedure to Appoint a Current Member of Council to Fill a Vacancy

The following procedure will be followed when appointing a current Member of Council to fill a Vacancy:

A. Definitions:

In this procedure:

“**Chair**” means the Member of Council presiding at the Council Appointment Meeting

“**Container**” means any box prepared by the Town Clerk to be used in the drawing of the names of individual Nominees as required in these procedures.

“**Council Appointment Meeting**” mean the regular or Special Meeting of Council where Council will appoint a current member of Council to fill the Deputy Mayor Vacancy.

“**Member of Council**” means a member of the Town of The Blue Mountains Council elected for the current term, being 2018 to 2022

“**Nominees**” shall mean an individual whose name appears on the Slate of Nominees.

“**Slate of Nominees**” means a list of all the individual candidates, who have been nominated in accordance with this procedure, for Appointment to fill the Vacancy.

“**Town Clerk**” and “**Deputy Clerk**” means the Clerk and Deputy Clerk of the Town of The Blue Mountains.

B. General

1. The Appointment of a current Member of Council to fill a Vacancy in any other office shall take place at a regular meeting of Council, or Special Meeting of Council called for such purposes, within 60 days of declaring a Vacancy.
2. Only a Member of Council elected for the current term of Council, being 2018 to 2022, will be considered eligible for appointment.
3. At the Council Appointment Meeting, the Chair will advise that Council has declared a seat vacant in accordance with the *Municipal Act, 2001*, and resolved to fill the vacancy by appointment of another Current Member of Council. The Chair will then provide a general overview of how the appointment process will be conducted.

C. Nomination Process

1. A Member of Council is not required to be present at a Council Appointment Meeting to be nominated. Any Member of Council that will be absent from a Council Appointment Meeting who wishes to be nominated shall submit a signed letter consenting to the nomination, to the Town Clerk a minimum of two business days prior to the Council Appointment Meeting. If the letter has not been provided to the Town Clerk, the Member of Council will not be permitted to be nominated. Members of Council absent from the Council Appointment Meeting, but duly nominated, will not be permitted to provide written submissions to the meeting, appoint a representative to speak on their behalf, withdraw their nomination or participate remotely by any means. The Town Clerk will provide a copy of any letter received to the Chair who will read aloud the names.
2. At the Council Appointment Meeting, the Chair will request that any Member of Council interested in being nominated to indicate their interest by raising their hand.
3. The Chair will call three times for additional expressions of interest. Hearing none, the Chair will request a motion to close the nominations.
4. Once the nominations are closed, the Chair will read aloud all the names of the Members of Council who have indicated their interest, including those absent Council Members that have submitted their signed letter consenting to their nomination. The Chair will request a motion to adopt the names as a Slate of Nominees.
5. Nominees will be offered a maximum of five (5) minutes each, with no extension, to speak prior to the first round of voting. The order of speakers will be drawn by the Town Clerk from a Container containing the names of all the Nominees.

D. Acclamation Procedure:

1. If the Slate of Nominees includes only one (1) Nominee, the Town Clerk will declare that Nominee elected and a resolution or by-law will be prepared and submitted to Council for enactment at the next Council Meeting.

E. Voting Procedure:

1. If the Slate of Nominees includes more than one (1) Nominee, rounds of voting will be conducted as follows:
 - a) The Town Clerk will provide Members of Council a voting card on which to indicate their choice of Nominee in writing.
 - b) The Town Clerk will read out the names of all Nominees alphabetically by surname, and will display the names on the screen.
 - c) Each Member of Council is entitled to vote for one (1) Nominee in each round of voting. Nominees are permitted to vote.

- d) The Clerk will ask Members of Council to vote by displaying their voting card with choice of Nominee clearly written on it. Members of Council will display the voting card at the same time and in a manner that is clearly visible to the Town Clerk and the public.
 - e) Once a voting card has been displayed by a Member of Council no changes shall be permitted.
 - f) The Town Clerk will record the votes and announce how each Member of Council has voted and the results at the end of each round of voting.
2. If, at the end of each round of voting, a Nominee receives the votes of more than one-half of the Members of Council present, the Town Clerk will declare the Nominee to be elected and a resolution or by-law will be prepared and submitted to Council for enactment at the next Council Meeting.
3. Rounds of voting shall continue until a Nominee has received more than one-half of the votes of the Members of Council present, or until a tie is broken in accordance with section **E.4f)** of the procedure.
4. Where a round of voting does not result in a Nominee receiving more than one-half of the Members of Council present:
- a) The Nominee with the fewest number of votes will be automatically excluded from the Slate of Nominees in the next round of voting.

Example: in a contest with three Nominees and six Members of Council present, a Nominee will need a minimum four (4) votes to be Appointed:

Nominee A - 3 votes
Nominee B - 2 votes
Nominee C - 1 votes

In the above scenario, as no majority vote was achieved, Nominee C is eliminated from further voting, and another round of voting will occur.
 - b) In any round of voting one (1) vote shall be considered the lowest number of possible votes. Where Nominees receive zero (0) votes, they will be automatically excluded from the Slate of Nominees in the next round of voting.

- c) If a tie exists between two or more Nominees for the fewest number of votes received, the Town Clerk will draw all but one (1) Nominee's name from a container to continue in the subsequent round of voting. The name of the Nominee not pulled by the Town Clerk will be excluded from the Slate of Nominees in the next round of voting.
- d) The Town Clerk will ask if any Nominee present wishes to withdraw their name from the Slate of Nominees for the next round of voting.
- e) The Town Clerk will conduct another round of voting with a revised Slate of Nominees in accordance with Section **E.1** of this Procedure.

Equal Votes for All Nominees

- f) Where, after a round of voting, the votes cast are equal for all the Nominees, the following procedure will be observed:
 - i. if there are three (3) or more Nominees remaining, the Clerk will draw all but one Nominee's name from the container to continue in the Slate of Nominees. In other words, the Nominee not pulled by the Town Clerk is eliminated from the contest.
 - ii. If only two (2) Nominees remain, the Town Clerk will break the tie by pulling the name of the successful Nominee from the container. The Nominee whose name is pulled by the Town Clerk will be declared elected and a resolution or by-law will be prepared and submitted to Council for enactment.

General Voting Rules

- g) Each of the pieces of paper used by the Town Clerk to draw the names of Nominees in accordance with the requirement of Sections C.5, E.4c) or E.4f) of this Procedure will be created by the Town Clerk and will be equal in size and type and will contain the name of one Nominee only.
- h) Only the Town Clerk or Deputy Clerk may handle the pieces of paper or the Container referenced in this procedure.



Town of The Blue Mountains

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<https://www.thebluemountains.ca>

Procedure to Appoint an Eligible Elector to Fill a Vacancy

The following procedure will be followed by Council when appointing an Eligible Elector to fill a Vacancy:

A. Definitions:

In this procedure:

“Candidate” means an **Eligible Elector** who has submitted an Application for Appointment to the Town Clerk, in accordance with this procedure, and who has been certified as a Candidate by the Town Clerk.

“Chair” means the Member of Council presiding at the Council Appointment Meeting

“Container” means any box prepared by the Town Clerk to be used in the drawing of the names of individual Candidates as required in these procedures.

“Council Appointment Meeting” mean the regular or Special Meeting of Council where Council will appoint an eligible elector to fill the vacant Council seat.

“Eligible Elector” means a person who is a qualified elector in accordance with the *Municipal Elections Act, 1996*.

“Slate of Candidates” means a list of all the individual Candidates, who have been nominated in accordance with this procedure, for appointment to fill the Vacancy.

“Town Clerk” and **“Deputy Clerk”** means the Clerk and Deputy Clerk of the Town of The Blue Mountains.

B. General

1. Council is required to declare a seat vacant in accordance with the Act and may resolve to fill the vacancy by appointment of an Eligible Elector. Council will fix the date of a meeting when this decision will be made.
2. To be considered for Appointment, an Eligible Elector must meet all the requirements to hold the Vacant office, and must not otherwise be disqualified from holding that office.
3. It is the Eligible Elector’s sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the Town Clerk as part of the appointment process.

C. Notice Process

1. Notice of Council’s decision to appoint an Eligible Elector to fill a vacancy shall be posted by the Town Clerk on the Town’s website and in a local newspaper having general circulation in the area.
2. The Notice will include the eligibility requirements to fill the Vacancy, the deadline to submit Nomination papers to the Town Clerk, and the date of the Council Appointment Meeting.

D. Application and Review Process

1. All interested Eligible Electors must complete and submit the following original documents to the Town Clerk:
 - a. Nomination Paper – Form 1
 - b. Endorsement of Nomination – Form 2, including 25 signatures providing endorsement
 - c. Declaration of Qualifications – Council, Form 1A
2. The Town Clerk shall provide notice to the certified list of Candidates of the date and time for the Council Appointment Meeting. Candidates are solely responsible for attending the Council Appointment Meeting which will not be rescheduled due to a Candidate’s conflict.
3. Any Council agenda documentation related to Candidates will be published in alphabetical order by surname.

E. Procedure at the Council Appointment Meeting:

1. At the Council Appointment Meeting, the Chair will provide a brief statement of the purpose of the meeting and the general order of proceedings to be followed.
2. The Clerk will provide to the Chair, a list of the names of those individuals who have indicated, in writing, their interest in being appointed to the vacancy, and have been certified by the Town Clerk. 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 vacancy, be considered for appointment to fill such vacancy.”
3. All Candidates will be sequestered in an adjacent room until it is their time to address Council. Each Candidate will be offered a maximum of five (5) minutes each, with no extension, to address Council prior to the first round of voting. The order of speakers will be drawn by the Town Clerk from a box containing the names of all the Candidates.

D. Acclamation Procedure:

1. If the Slate of Candidates includes only one (1) Candidate, the Town Clerk will declare that Candidate elected and a resolution or by-law will be prepared and submitted to Council for enactment.

E. Voting Procedure:

1. If the Slate of Candidates includes more than one (1) Candidate, rounds of voting will be conducted as follows:
 - a) The Town Clerk will provide Members of Council a voting card on which to indicate their choice of Candidate in writing.
 - b) The Town Clerk will read out the names of all Candidates alphabetically by surname, and will display the names on the screen.
 - c) Each Member of Council is entitled to vote for one (1) Candidate in each round of voting.
 - d) The Clerk will ask Members of Council to vote by displaying their voting card with choice of Candidate clearly written on it. Members of Council will display the voting card at the same time and in a manner that is clearly visible to the Town Clerk and the public.
 - e) Once a voting card has been displayed by a Member of Council no changes shall be permitted.
 - f) The Town Clerk will record the votes, announce how each Member of Council has voted and will announce the results at the end of each round of voting.
2. If, at the end of each round of voting, a Candidate receives the votes of more than one-half of the Members of Council present, the Town Clerk will declare the Candidate to be elected and a resolution or by-law will be prepared and submitted to Council for enactment.
3. Rounds of voting shall continue until a Candidate has received more than one-half of the votes of the Members of Council present, or until a tie is broken in accordance with section **E.4f)** of the procedure.
4. Where a round of voting does not result in a Candidate receiving more than one-half of the Members of Council present:
 - a) The Candidate with the fewest number of votes will be automatically excluded from the Slate of Candidates in the next round of voting.

Example: in a contest with three Candidates and six Members of Council present, a Candidate will need a minimum four (4) votes to be Appointed:

Candidate A - 3 votes

Candidate B - 2 votes

Candidate C - 1 vote

In the above scenario, as no majority vote was achieved, Candidate C is eliminated from further voting, and another round of voting will occur.

- b) In any round of voting one (1) vote shall be considered the lowest number of possible votes. Where Candidates receive zero (0) votes, they will be automatically excluded from the Slate of Candidates in the next round of voting.
- c) If a tie exists between two or more Candidates for the fewest number of votes received, the Town Clerk will draw all but one (1) Candidate's name from a Container to continue in the subsequent round of voting. The name of the Candidate not pulled by the Town Clerk will be excluded from the Slate of Candidates in the next round of voting.
- d) The Town Clerk will ask if any Candidate present wishes to withdraw their name from the Slate of Candidates for the next round of voting.
- e) The Town Clerk will conduct another round of voting with a revised Slate of Candidates in accordance with Section E.1 of this Procedure.

Equal Votes for All Candidates

- f) Where, after a round of voting, the votes cast are equal for all the Candidates, the following procedure will be observed:
 - i. if there are three (3) or more Candidates remaining, the Clerk will draw all but one Candidate's name from the Container to continue in the Slate of Candidates. In other words, the Candidate not pulled by the Town Clerk is eliminated from the contest.
 - ii. If only two (2) Candidates remain, the Town Clerk will break the tie by pulling the name of the successful Candidate from the Container. The Candidate whose name is pulled by the Town Clerk will be declared elected and a resolution or by-law will be prepared and submitted to Council for enactment.

General Voting Rules

- g) Each of the pieces of paper used by the Town Clerk to draw the names of Candidates in accordance with the requirement of Sections E.3, E.4c) or E.4f) of this Procedure will be created by the Town Clerk and will be equal in size and type and will contain the name of one Candidate only.

- h) Only the Town Clerk or Deputy Clerk may handle the pieces of paper or the Container referenced in this procedure.