



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Magda Badura, CAO/Treasurer
Date: 2023-04-27
Subject: Filling the Vacancy of the Office of the Mayor

Recommendation:

THAT the Council of the Municipality of West Elgin hereby receives the report from Magda Badura, CAO/Treasurer re: Filling the Vacancy of the Office of the Mayor for information purposes.

Option 1:

AND THAT West Elgin Council hereby directs the Clerk to prepare a report and by-election by-law to be presented at the next meeting of Council;

Option 2:

AND THAT West Elgin Council hereby adopts the "Appointment Procedure for Filling a Council Vacancy" attached to this report as Appendix "A" and directs the Clerk to take such steps and set such dates as are necessary to complete the appointment process by no later than May 19, 2023;

Purpose:

This report is further to Report 10.2.2. "Options for Filling a Vacancy on Council which was received for information on March 23, 2023 and also to provide Council with additional information, including a draft of procedures should Council choose to decide to do a public appointment process for any Council Vacancy.

Background:

At the Council meeting on March 23, 2023 Council formally declared the Office of the Mayor Vacant.

As was noted in Report 10.2.2. "Options for Filling a Vacancy on Council", dated March 23, 2023, under section 262 of the *Municipal Act*, 2001 the declaration of vacancy starts a 60-day time period during which Council must either (i) appoint an eligible elector to the office; or (ii) pass a by-law to hold a by-election. Therefore, by no later than May 19 (due to statutory holidays) Council must have either appointed someone to the seat of Mayor, or passed a by-law requiring a by-election.

At the March 23, 2023 meeting, an *in camera* discussion occurred among members of Council regarding the process to fill the vacancy and what type of process would be the best fit for the community. The discussion was erroneously undertaken in closed session rather than publicly at the time Report 10.2.2 was received for information. Council for the Municipality of West Elgin recognized that the discussion regarding filling the vacancy should occur publicly and ended the closed session discussion. Subsequently, Council authorized the release of the minutes of that discussion, which are attached to this report as Appendix "C" so the public may review them.

Staff require Council's direction on which statutory method for filling the vacancy of the Office of the Mayor by which Council would like to proceed.

Additional Information Regarding Appointment by Call for Applications

Appendix "B" identified an option for Council to proceed with an appointment to fill the vacancy through a call for applications. In the event an appointment process by application is directed by Council, typically a publicly advertised application process is followed to ensure that any qualified member of the public may seek the appointment, should they wish to do so. The process is usually devised using a very simple set of parameters, with the goal of giving some procedural fairness for qualified individuals to participate, and to give Council the opportunity to hear from any interested individual prior to making a decision on the appointment. Any interested Council member would participate in the process the same way as any other member of the public.

Should Council wish to have an application process to fill a vacancy, I have drafted the attached procedures so that Council has a clear indication of the process. These procedures are based on those used by other municipalities in Ontario. I have not set any dates in this procedure, however, I would suggest at least 10 business days for eligible electors to submit their applications. Council can then either hear deputations at a regular meeting of Council or hold a special meeting to deal with the appointment.

In the proposed procedure, each applicant will submit an application and declaration, as well as a type-written personal statement explaining why they should be appointed to the Office of the Mayor. The Applications and Personal Statements will be placed on a public Council agenda. Council will have the opportunity to hear from each applicant and to ask up to two questions. Once everyone has spoken, Council will have the opportunity to nominate any of the applicants by regular way of mover and seconder. Then Council can discuss the nominated person and Council will take a vote with a simple majority required for the nomination to be confirmed. The successful appointee will be confirmed to the office by by-law and will take an oath of office prior to conducting any municipal business as the Mayor.

Conclusion:

Council has the authority to fill the vacancy of the Office of the Mayor by either by-election or appointment. This decision is solely Council's to make, as the elected representatives for the community. Therefore, staff have presented the two statutory options and are prepared to follow Council's direction with regard to either Option 1 – By-Election or Option 2 – Appointment. If Option 2 is adopted by Council then staff will immediately commence work on advertising the appointment process to the public. Staff also wish to emphasize that Council has authority to adopt other processes as set out in Report 10.2.2. of the March 23, 2023 meeting of Council.

Financial Implications:

Should Council wish to proceed with a by-election, then the estimated costs are as set out in Appendix "B".

Policies/Legislation:

Municipal Act, 2001

Respectfully submitted by,
Magda Badura, CAO/Treasurer