



Staff Report

Report To: Council Meeting
From: Terri Towstiuc, Clerk
Date: 2024-09-12
Subject: Options, Filling the Vacancy of Ward 3 Councillor

Recommendation:

That West Elgin Council hereby receives the report from Terri Towstiuc, Clerk re: Options, Filling the Vacancy of Ward 3 Councillor; And

That Council approves Option 1, being Appointment by Call for Applications to fill the vacancy of the Councillor, Ward 3; And

That Council hereby directs staff to proceed with the requirements of Option 1, including scheduling a Special Meeting of Council on Thursday, October 17, 2024 at 4:00pm.

Purpose:

The purpose of this report is to present Council with options to fill Ward 3 vacancy on Council, previously declared.

Background:

Council declared the seat of Councillor, Ward 3, vacant on September 12, 2024. Council must now decide what manner to fill this vacancy within 60 days of the declaration. Section 263 of the *Municipal Act, 2001* provides that:

Filling vacancies

Section 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*. 2001, c.25 s.263 (1)

Rules applying to filling vacancies

Section 263 (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 to be held to fill the vacancy under subsection (1).

Appointment

Should Council determine that the vacancy be filled by appointment, this appointment must occur within 60 days of the declaration of the seat being vacant. The only requirement for appointing a person, as per the *Municipal Act, 2001*, is that they must consent to the appointment, and they must be a qualified elector within the Municipality as per the *Municipal Elections Act*.

Option #1 – Appointment by Call for Applications

Council may approve an appointment process which would permit interested eligible persons to submit an application for appointment to Council. This open call for applications would be advertised on multiple platforms and would include a process including an application form, declaration of qualifications and a personal statement of qualifications.

Applications would be received no later than Friday October 11, 2024, in person, at the Municipal Office, by the Clerk, and further would include an interview/presentation with Council at a (proposed) Special Meeting of Council on October 17, 2024 at 4:00pm.

Option #2 – By-Election

Council is permitted to fill the vacancy by directing a by-election to be held. In accordance with Section 23 (5) of the *Municipal Act, 2001*, a by-law must be enacted within 60 days after the seat is declared vacant. Subsequent to the enactment of a by-election by-law, nomination day (last day for nominations) must be not less than 30 days and not more than 60 days thereafter. Voting day shall be 45 days after nomination day.

Financial Implications:

There would be minimal costs (staff time) for Option 1

By-Election (Option #2) – Intellivote quote approx. \$13,000 (2023 quote) + the cost of required advertisements and notices required under the *Municipal Elections Act, 1996*

Policies/Legislation:

Municipal Act, 2001

Municipal Elections Act, 1996

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin’s infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input checked="" type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,
 Terri Towstiac
 Municipal Clerk