

TOWNSHIP OF RAMARA

PROCEDURE TO APPOINT AN INDIVIDUAL TO FILL A COUNCIL VACANCY

1 PURPOSE

- 1.1 The purpose of this policy is to provide for an accountable and transparent procedure for appointing an individual to fill a vacancy on Council.

2 POLICY

- 2.1 Pursuant to the *Municipal Act, S.O. 2001, c.25*, when the seat of a member of Council becomes vacant during the term of office, Council may fill a vacancy by appointing a person who has consented to accept the office if appointed.

2.2 Definitions

In this policy, otherwise stated:

- (a) "Act" means the *Municipal Act, S.O. 2001, c.25*, as amended.
- (b) "Appointment" means the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council for the remainder of the current Council term.
- (c) "Chair" means the member of Council presiding at the Council appointment meeting.
- (d) "Candidate" means any individual qualified to be elected to hold office as a member of Council in accordance with the *Act*.
- (e) "Clerk" means the Clerk or his/her designate of the Township of Ramara as appointed by Council.
- (f) "Council" means the Council of the Township of Ramara.
- (g) "Council Appointment Meeting" means the regular or special council meeting called to appoint an individual to fill a vacancy.
- (h) "Lot" means a method of determination by placing the names of the nominees on equal size pieces of paper and placed in a container with one name being drawn by the Clerk.
- (i) "Member" means a current and sitting member of Council of the Corporation of the Township of Ramara.

- (j) “Nominee” means those individuals seeking to fill a vacancy on Council who meet the eligibility requirements and who have completed the requisite documentation as outlined in this procedure.

3 PROCEDURES

3.1 General

- a) Council is required to declare a seat vacant in accordance with the *Act*.
- b) Any individual filling a vacancy must meet the eligibility requirements of office as outlined in the *Act* and the *Municipal Elections Act, 1996*, and fulfill all of the following requirements:
- Eighteen (18) years of age or older; and
 - A Canadian citizen; and
 - A resident of the Township of Ramara, or an owner or tenant of land in the municipality or the spouse of such an owner or tenant; and
 - Not prohibited from voting under any other Act or disqualified from holding municipal office; and
 - Able to provide at least 25 original signatures from individuals eligible to vote in the Township of Ramara on the day they signed the endorsement
- c) If an employee of the Township of Ramara seeks appointment to Council, the employee shall give Council written notice, in advance, of his or her intention to take unpaid leave. If the employee is appointed to office, they will be deemed to have resigned from their position with the Township immediately before making the declaration of office.

3.2 Filling a Vacancy by Appointment

- a) The Clerk shall post a Council Vacancy notice (Appendix A) on the Township website and in the local newspaper for a minimum of four (4) consecutive weeks following Council’s decision to fill a vacancy by appointment. The notice shall indicate Council’s intention to appoint an individual to fill a vacancy and shall outline the nomination process.
- b) In accordance with Section 244 of the *Act*, a vote to fill a vacancy on Council by appointment shall occur at an **open** Special Council Meeting.

- c) Any individual wishing to be considered for appointment to the vacancy shall complete and sign the Council Vacancy Application Form (Appendix B) and submit the form in person or email with identification (Passport or Driver's License) by the deadline established by the Clerk.
- d) At the meeting, the following shall take place:
 - i) The Chair will make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
 - ii) Individuals seeking appointment to a position who are also current members of Council (nominees) shall declare a pecuniary interest.
 - iii) The Clerk will provide to the Chair a list of names of those individuals who have indicated, in writing, their interest in being appointed to the vacancy and 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."
 - iv) Each of the nominees shall be afforded the opportunity to address Council for a period of not more than ten (10) minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all nominees in a container and randomly draw the names).
 - v) Each member of Council will be permitted one (1) question to each candidate. Candidates will be sequestered in an adjacent room until it is their time to answer the questions posed by Council. Once a candidate has answered the questions, they may remain in the Council Chambers.
 - vi) Upon hearing all the submissions of the nominees, Council will proceed to vote as follows:
 - (a) Nominee names shall be displayed in alphabetical order, by the Clerk.
 - (b) Members of Council will vote by way of public vote (show of hands or recorded vote, if requested).

- (c) Members of Council shall vote for one nominee only.
- (d) The Clerk shall tabulate the results.
- (e) If the nominee receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the nominee or nominees who received the fewest number of votes shall be excluded from further consideration.

The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the nominee or nominees who receive the fewest number of votes. This process shall be repeated until the nominee receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.

- (f) Where the votes cast are equal for all nominees and there are three or more nominees remaining, Council may decide to go into Closed Session to discuss the candidates and reconvene to hold another vote or the Clerk may by lot select one such nominee to be excluded from the subsequent voting;
 - (g) Where the votes cast are equal for the remaining two nominees Council may decide to go into Closed Session to discuss the candidates and reconvene to hold another vote or, the tie may be broken by selecting a nominee by lot, as conducted by the Clerk.
- vii) Upon conclusion of the voting, the Clerk will note the nominee receiving the votes of more than one-half of the number of the voting members of Council or the nominee selected through Section (vi)(g).
- viii) The appointment of the nominee shall be made by bylaw. A bylaw confirming the appointment shall be enacted by Council at the next regularly scheduled Council meeting or Special meeting for the purpose of appointing.

3.3 Administration

- a) The Clerk shall be responsible for the administration and interpretation of this policy, including advising Council on its application.

APPENDIX "A"
PUBLIC NOTICE – COUNCIL VACANCY

TAKE NOTICE that a vacancy exists on the Township of Ramara Council for one (1) Councillor and that Council has determined to fill this vacancy by appointment in accordance with Section 263 1 (a) of the Ontario Municipal Act, 2001.

The term of this position is from August 24, 2020 the date of Council appointment to November 15, 2022.

A Special Council Meeting to appoint a successful candidate will be held on August 17, 2020 at 9:30 a.m. The meeting will be held electronically or in person. Candidates will be notified.

A candidate for municipal office must be a qualified municipal elector as set out in the *Municipal Elections Act, 1996* and fulfill all of the following requirements:

- Eighteen (18) years of age or older; and
- A Canadian citizen; and
- A resident of the Township of Ramara, or an owner or tenant of land in the municipality or the spouse of such an owner or tenant; and
- Not prohibited from voting under any other Act or disqualified from holding municipal office; and
- Able to provide at least 25 original signatures from individuals eligible to vote in the Township of Ramara on the day they signed the endorsement

Prior to submitting an application, interested individuals should refer to the *Municipal Act, 2001* and the *Municipal Elections Act, 1996* for further details relating to the required qualifications.

Any qualified individual may submit their application, declaration of qualification form together with a copy of proper identification in a sealed envelope by 2:00 p.m. on August 5, 2020 to:

Jennifer Connor, CMO, AOMC
Director of Legislative & Community Services/Clerk
Township of Ramara
2297 Highway 12, Brechin, ON L0K 1B0
705-484-5374 ext 261

Inquiries regarding this matter may be directed to jconnor@ramara.ca or cwainman@ramara.ca.

Council Vacancy Application Forms are available online at www.ramara.ca.

APPENDIX "C"
DECLARATION OF QUALIFICATION

I, _____, an applicant mentioned in this application form, declare that I am presently legally qualified, or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada, to be appointed and to hold the office to which I have applied for appointment and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.

Dated this _____ day of _____, 2020.

Signature of Applicant

CERTIFICATE

I, the undersigned Clerk of this municipality, do hereby certify that I have examined the application form of the aforesaid applicant filed with me and am satisfied that the nominee is qualified for appointment to municipal office.

Signature of Clerk or Designate

Date Certified

Personal Information collected on this form is pursuant to the *Municipal Act* and is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and will be used for the purpose of determining a nominee's eligibility for appointment to municipal office. This application form will be attached to a Special Council Appointment Meeting agenda and posted on the Township website. Questions can be directed to the Clerk.