

## Council Vacancy Appointment Procedure

### Purpose

The following procedure will be used when appointing an Eligible Elector to fill a vacancy in the office Councillor.

### Definitions

In these procedures;

“Act” means the *Municipal Elections Act, 1996, S.O., 1996, c.32, Sched.* as amended.

“Candidate” means an individual seeking to be appointed to fill a vacancy in the office of Councillor, having met the eligibility requirements and who has completed the requisite documentation as required by this procedure.

“Chair” means the Member of Council presiding at the Council meeting to appoint an individual to fill a Council vacancy.

“Council” means the Council of The Corporation of the City of Barrie.

“Eligible Elector” has the same meaning as subsection 17(2) of the Act, namely a person:

- a) who is a resident of the City of Barrie, or an owner or tenant of land in Barrie or the spouse of such an owner or tenant;
- b) who is a Canadian Citizen;
- c) who is at least 18 years old; and,
- d) who is not prohibited from voting under any other Act or from holding municipal office.

“Lot” means a method of determination by placing the names of the Candidates on equal size pieces of paper and placed in a container with one Candidate name being drawn by the City Clerk.

“Procedural By-law” means City of Barrie By-law Number 2013-072, as amended.

“City” means The Corporation of the City of Barrie.

### General

1. Any individual filling the vacancy must be an Eligible Elector.
2. Any employee of the City who seeks appointment to Council must be an Eligible Elector. The employee is required to give written notice, prior to submitting any documentation required by the procedure, of his or her intention to take unpaid leave, in accordance with the Act. If the employee is appointed to office, he or she will be deemed to have resigned from their position with the City immediately before making the declaration of office.

## Appointment Procedure

### Notice

1. The City will post a Council Vacancy notice on the City's website, social media and in the local newspaper. The notice will outline the requirements to be considered for an appointment and the application process.

### Application

2. Any individual wishing to be considered for appointment to fill the Council vacancy will complete and sign the Council Appointment Consent of Nominee Form and a Council Vacancy Declaration of Qualifications Form approved by the City Clerk. Applications for the vacant seat may be filed with the City Clerk beginning at 8:30 a.m. on the day following City Council's decision to adopt an appointment process. Candidates shall submit the forms to the City Clerk in-person by the deadline established by the City Clerk, such deadline to provide a minimum of 10 business days for the submission of applications.
3. Any individual wishing to be considered for appointment to fill the Council vacancy will be required to provide identification to prove his or her identity and qualifying address to the satisfaction of the City Clerk.
4. Candidates may submit a personal statement of qualification with their application, for consideration of Council.
5. It is the Candidate's sole responsibility to meet any deadline, complete a bone fide application or otherwise comply with any requirement of this procedure.
6. The City Clerk will create a list of all eligible Candidates that have complied with the application process. All applications shall be considered public documents and will be made available for public viewing in the Legislative and Court Services Department on the first floor of City Hall, 70 Collier Street, Barrie, Ontario.
7. A Candidate who wishes to withdraw his/her application may do so in person and in writing to the City Clerk. The deadline for any withdrawal shall be any time up to noon of the date of the special City Council meeting to fill the vacancy.

### Council Meeting

8. A vote to fill a vacancy on Council by appointment will occur at an open Council meeting. The meeting shall be a special City Council meeting called for that purpose. All qualified candidates who have submitted an application for the vacant seat will be notified by the City Clerk of the date and time of the special meeting of Council, at which time they may address Council. Candidates are required to notify the City Clerk no later than 24 hours before the start of the special meeting of Council of their intention to address Council at the meeting.
9. Notwithstanding the requirements of the Procedural By-law, the agenda for the meeting shall be set by the City Clerk to allow for the orderly proceedings of selecting a Candidate.
10. At the meeting, the following will take place:
  - a) The Chair will make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
  - b) Each of the Candidates will be afforded the opportunity to address Council for a period of not more than five (5) minutes. The order of speaking will be determined by Lot. The City Clerk will place the names of all Candidates in a container and randomly draw the names.

- c) Upon hearing all the submissions of the Candidates, Council will proceed to vote as follows:
    - i. Members of Council will vote by way of ballot.
    - ii. Candidate names will be displayed on the monitors in alphabetical order, in the Council Chamber by the City Clerk.
    - iii. Members of Council will vote for one Candidate only.
    - iv. The City Clerk will provide each Member of Council with a voting card, with the Member's name pre-printed on the voting card.
    - v. The City Clerk will ask the Members of Council to cast his or her vote by writing the full name of one (1) Candidate on the voting card. The Member of Council shall then sign the voting card.
    - vi. The City Clerk will collect all marked and signed voting cards, and will tabulate the results on the tally sheet to be used for this purpose.
  - d) The following procedure shall be used for counting the votes
    - i. The Candidate who receives the votes of more than one-half of the number of members of Council present and voting shall fill the vacancy.
    - ii. A spoiled or incomplete ballot will be rejected by the City Clerk and the vote taken on the remaining ballots.
    - iii. If the Candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the Candidate or Candidates who received the fewest number of votes will be excluded from further consideration. The name of a Candidate or Candidates excluded shall be removed from the monitors. The vote will be taken again by the City Clerk and, if necessary, more than once, excluding in each successive vote the Candidate or Candidates who receive the fewest number of votes. This process will be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.
    - iv. Where the votes cast are equal for all the Candidates and if:
      - a) There are three or more Candidates remaining, the City Clerk will by Lot select one such Candidate to be excluded from the subsequent voting;
      - b) If only two (2) Candidates remain, the tie will be broken by selecting a Candidate by Lot to fill the vacancy, as conducted by the City Clerk.
  - e) Upon conclusion of the voting, the City Clerk will declare the Candidate receiving the votes of more than one-half of the number of the voting members of Council or the Candidate selected through section (d)(iv) b).
  - g) The appointment of the Candidate will be made by by-law. A by-law confirming the appointment will be enacted by Council.
  - h) The City Clerk will administer the Declaration of Office required by subsection 232(1) of the *Municipal Act, 2001*, at the meeting where the by-law referred to in subsection 10 (g) of these procedures is enacted by Council, or as directed by Council.
11. Where a situation occurs that is not otherwise accounted for in these procedures, the City Clerk shall recommend an alternate process to Council, which Council may adopt with a simple majority vote.