

Report to Council

Report Title:	Councillor Kuhnke Resignation and Council Vacancy		
Prepared By:	Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and Sarah Johnson, Deputy Clerk		
Department:	Clerk's		
Date:	August 26, 2025		
Report Number:	CLK2025-11	File Number:	C11CL, C07
Attachments:	Letter of Resignation from Councillor Kuhnke		

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2025-11– Councillor Kuhnke Resignation and Council Vacancy, prepared by Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and Sarah Johnson, Deputy Clerk and in doing so:

- 1) Directs staff to proceed with an Appointment Procedure to replace the vacant Councillor seat in accordance with the *Municipal Act, 2001, S.O. 2001, c. 25, Section 262*;
- 2) Approves holding a Special Council Meeting on Tuesday, February 3, 2026 at 7:00 p.m. at the Bruce County Council Chambers to appoint the new Member of Council

Report:

Background:

Section 260 of the *Municipal Act, 2001, S.O. 2001* (the "Act") states:

A member of council of a municipality *may* resign from office by notice in writing filed with the clerk of the municipality.

On July 23, 2025, the Clerk for the Municipality of Brockton received the written resignation of Councillor B. Carl Kuhnke from his position as Councillor and Member of Council, effective November 30, 2025, as he would no longer be a resident in the Municipality of Brockton.

According to Section 262 of the Act, when a member resigns, Council must formally declare the seat vacant at the next regular Council Meeting. In accordance with Section 263(5) of the Act, once the seat has been declared vacant, Council must, within sixty (60) days, either appoint a person to the seat or pass a by-law authorizing that a by-election be held. In our previous Council Vacancy processes, Council has chosen to

appoint a person to the vacant seat. A by-election cannot be held after March 31st in the year of the regular election.

Council accepted Councillor Kuhnke's resignation, effective November 30, 2025 at the August 12, 2025 Council Meeting. However, as Councillor Kuhnke's resignation takes effect November 30, 2025, Council can declare Carl Kuhnke's seat as Councillor vacant at the December 9, 2025 Council Meeting.

After December 9, 2025, Council has 60 days to appoint a person or pass a by-law for a by-election. 60 days from December 9, 2025 is Saturday, February 7, 2026.

Analysis:

Our Council Vacancy Replacement Procedure Policy ("Council Vacancy Policy") outlines the procedure to be followed when filling a Council vacancy by appointment including the notice, nomination process, procedures to occur at the Special Council Meeting, and formal appointment process.

Appointment Procedure

The policy stipulates that Council would appoint a new Member of Council by accepting applications from eligible electors, as was done in previous Councillor vacancies.

Brockton would advertise for interested eligible electors to apply, in writing, to fill the vacant Member of Council seat. Council would then select from the submissions received from the eligible electors. This process was completed in 2019, and 2024 to fill vacant Councillor seats. This method involves seeking letters of qualification from eligible electors who may not have been able to run in the last election. These individuals would also be invited to speak to Council at an Open Special Council Meeting before Council voted on the individual to be appointed.

Staff suggest that a Special Council Meeting be held on Tuesday, February 3, 2026 at 7:00 p.m. at the Bruce County Council Chambers to appoint the new Councillor to ensure the budget process has been completed but complete the appointment within the specified timeline. The newly appointed Councillor would then attend their first regular Council Meeting on February 10, 2026. Comprehensive orientation would occur in mid-late February and early March. This approach is consistent with previous Council Vacancy appointments.

Considerations

- **Financial:** Advertising costs for Council member vacancy, minimal costs to train new Council member, \$283.25 to rent the Bruce County Council Chambers for the Special Council Meeting.
- **Timeline:** The new Member of Council must be sworn in earlier than if a by-election was held. As noted, a by-election cannot be held after March 31st in the year of the regular election.

Draft Timeline for Appointment Procedure:

December 9, 2025	Declare Councillor seat to be vacant
January 5, 2026	Begin accepting applications for Member of Council
January 8, 2026	Notice of Councillor Vacancy advertised in local newspaper/municipal website (1 st week)

January 15, 2026	Notice of Councillor Vacancy advertised in local newspaper/municipal website (2 nd week)
January 26, 2026	Final day for applications for Member of Council ending 2:00 p.m.
January 27, 2026	Final day for withdrawal of applications for Member of Council 2:00 p.m.
January 28, 2026	Clerk to certify applications for Member of Council
February 3, 2026	Applicants for Member of Council present to Council at Special Council Meeting, Council votes on applicant to be appointed as new Councillor
February 3, 2026	New Councillor appointed by By-Law and sworn in
February 10, 2026	New Councillor attends first regular Council Meeting

Strategic Action Plan Checklist:

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?


- | | |
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| • Recommendations help move the Municipality closer to its Vision | Yes |
| • Recommendations contribute to achieving Heritage, Culture, and Community | N/A |
| • Recommendations contribute to achieving Quality of Life | N/A |
| • Recommendations contribute to achieving Land Use Planning and the Natural Environment | N/A |
| • Recommendations contribute to achieving Economic Development | N/A |
| • Recommendations contribute to achieving Municipal Governance | Yes |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

As noted above, the appointment process would have a minimal impact on the budget.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Fiona Hamilton, Director of Legislative and Legal Services (Clerk)



Sarah Johnson, Deputy Clerk

Reviewed By:

A handwritten signature in black ink, appearing to read "Sonya W." with a decorative flourish at the end.

Sonya Watson, Chief Administrative Officer