

Report to Council

Report Title:	Councillor Kuhnke Council Vacancy Update		
Prepared By:	Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and Sarah Johnson, Deputy Clerk		
Department:	Clerk's		
Date:	November 4, 2025		
Report Number:	CLK2025-16	File Number:	C11CL, C07
Attachments:	N/A		

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2025-16 – Councillor Kuhnke Council Vacancy Update, prepared by Fiona Hamilton, Director of Legislative and Legal Services (Clerk) and Sarah Johnson, Deputy Clerk and in doing so approves holding a Special Council Meeting on Tuesday, January 13, 2026 at 2:00 p.m. at the Bruce County Council Chambers to appoint the new Member of Council

Report:

Background:

Section 259 of the *Municipal Act, 2001*, S.O. 2001 (the "Act") states:

The office of a member of council of a municipality becomes vacant if the member
(a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258.

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. However, Councillor Kuhnke recently confirmed that he will no longer own or rent property in the Municipality of Brockton as of November 6, 2025, such that he would become disqualified, and his seat will become vacant.

According to Section 262 of the Act, when a member resigns and/or becomes disqualified, 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.

As Councillor Kuhnke's would no longer be eligible to remain on Council as of November 6, 2025, Council will need to formally declare the seat vacant at the November 25, 2025 Council Meeting.

After November 25, 2025, Council has 60 days to appoint a person or pass a by-law for a by-election. 60 days from November 25, 2025 is Saturday, January 24, 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.

Staff suggest that a Special Council Meeting to appoint the new Councillor be held on Tuesday, January 13, 2026 at 2:00 p.m. at the Bruce County Council Chambers (prior to the regular Council Meeting). This meeting proposal accommodates the number of meetings already scheduled in January, the ROMA Conference (January 18-20, 2026), and the potential for weather disruptions. The previously scheduled Special Council Meeting for February 3, 2026 would be cancelled as the timeline to fill this vacancy has changed.

The newly appointed Councillor would then be able to attend their first regular Council Meeting either later that evening on January 13, 2026, or else on January 27, 2026. Comprehensive orientation would occur throughout February.

Draft Timeline for Appointment Procedure:

November 25, 2025	Declare Councillor seat to be vacant
December 8, 2025	Begin accepting applications for Member of Council
December 11, 2025	Notice of Councillor Vacancy advertised in local newspaper/municipal website (1 st week)
December 18, 2025	Notice of Councillor Vacancy advertised in local newspaper/municipal website (2 nd week)
January 6, 2026	Final day for applications for Member of Council ending 2:00 p.m.
January 7, 2026	Final day for withdrawal of applications for Member of Council 2:00 p.m.
January 8, 2026	Clerk to certify applications for Member of Council
January 13, 2026	Applicants for Member of Council present to Council at Special Council Meeting, Council votes on applicant to be appointed as new Councillor
January 13, 2026	New Councillor appointed by By-Law and sworn in
January 13 or 27, 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?

- 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:



Sonya Watson, Chief Administrative Officer