

Report to Council

Report Title:	Council Vacancy		
Prepared By:	Fiona Hamilton, Clerk		
Department:	Clerk's		
Date:	November 26, 2019		
Report Number:	CLK2019-40	File Number:	C11CL, C07
Attachments:	Draft Council Vacancy Policy Draft Information Package Potential Amended 2020 Council Meetings Calendar		

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2019-40 - Council Vacancy, prepared by Fiona Hamilton, Clerk for information purposes and in doing so:

- 1) declares a seat on the Council of the Municipality of Brockton to be vacant;
- 2) directs staff to proceed with Option _____ to replace the vacant seat in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25 Section 262.

Report:

Background:

At the meeting on November 12, 2019, Council accepted with regret the resignation of Chris Oberle, who resigned as he had accepted a new position as a Provincial Offences Prosecutor.

According to s. 262 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act"), when a member resigns, Council must formally declare the seat vacant at the next regular Council Meeting. 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.

Analysis:

Option 1 – Appointment – 2018 Municipal and School Board Election Candidate

The Act does not provide any parameters or guidance related to the potential appointment. One option would be to appoint the Candidate from the 2018 Municipal and School Board Election who received the most votes but was not elected (provided that individual consents and is still qualified to hold office). However, this

method may not be the most fair, as there may be individuals who did not have the opportunity to run in the last election who would be able and willing to sit as a Councillor. After completing a scan of other municipalities across the province, this method does not appear to be the most popular.

Financial: No additional costs.

Staffing: Staff time to prepare and orient the new appointee. No additional staffing would be required.

Timeline: If Option 1 was selected, the new Council member could be sworn in at the January 14, 2020 meeting or potentially even earlier.

Option 2 – Appointment – Letter of Qualification

Many municipalities across Ontario, including the Municipality of West-Grey and the Municipality of South Bruce Peninsula, have adopted a method of seeking Letters of Qualification from the general public as a method of appointing a new Council Member. The benefit of this method is that it allows individuals who may not have been able to run in the last election an opportunity to participate. The Letter of Qualification would be posted on the website and available to the general public. The individuals that submitted a Letter of Qualification would be invited to speak to Council at an open Special Meeting before Council voted on the individual to be appointed.

Staff have reviewed a number of Council Vacancy Policies from across the Province. Even if this option is not selected at this time, the recommendation would be to adopt the draft policy moving forward for greater certainty and transparency in the future. The draft Council Vacancy Policy outlines the procedure to be adopted for voting when selecting a new Council appointment. Staff have also prepared a draft Information Package that would be made available to any interested candidates that has been attached for Council's consideration.

If Option 2 were selected, staff are proposing that the previously scheduled budget meeting on January 21, 2020 be changed to a Special Council meeting for the purpose of selecting the new Council Member. The budget meeting would be changed to Monday, January 27, 2020 and January 28, 2020 at the Bruce County Administration Building. The change in these dates would allow the newly appointed Council Member to receive some orientation and participate fully in the budget meetings and allow for adherence to the 60 day time period for appointment. Given the short time frame involved (coinciding with the holiday office closure), staff have taken the liberty of attaching a potential revised 2020 Council Meeting Schedule for Council's consideration. The last meeting in December was scheduled for December 22, which would have been very close to the holiday season. As such, staff are recommending that the last meeting be cancelled.

Financial: potentially \$1,500.00 in additional advertising costs and an additional \$250.00 for rental of the Bruce County Council Chambers.

Staffing: This process will take staff preparation time but no additional staffing would be required. Staff time to prepare and orient the new appointee will be required.

Timeline: The newly appointed Councillor would be sworn in at the Special Meeting on January 21, 2020.

Option 3 – By-Election

If Council were to pass a by-law authorizing a by-election, the *Municipal Elections Act 1996*, S.O. 1996, c. 32 Sched. (the "Elections Act"), then nomination day would occur a maximum of sixty (60) days from the passing

of the by-law (potentially mid-March, 2020), with voting day occurring a maximum of forty-five (45) days after nomination day (potentially end of April, 2020). The Elections Act also specifies that a by-election must be held in the same manner as the regular election, which would electronic voting with at least one voting centre to assist voters.

A by-election may be the most democratic option to fill the vacancy, but also the most costly. The 2018 Municipal and School Board Election cost \$26,828.00, with \$10,232.12 being paid to Dominion Voting as the provider of the electronic voting service and \$6,340.16 being paid to Canada Post for the Voter Information Letters. Although the by-election would be for only a single seat, it is likely that the cost would be very similar to the previous election, as the voter information letters would still need to be sent, changes made to the Voter's List, etc. Also, there are very few electronic voting companies, and the prices offered may not be as competitive as there would be no group discount available. While there are funds in the Election Reserve Fund, the transfer to this fund would need to be increased in the following years to ensure sufficient funds for the 2022 Municipal and School Board Election.

In addition, there is excessive staff time required to conduct an election. There was an Elections Contract Assistant hired for the 2018 Municipal and School Board. It is likely that a similar position would need to be filled given the amount of work required in organizing an election prior to the end of April, 2020.

Financial: potentially \$35,000.00

Staffing: Another contract individual would be required to assist. This option will take a great deal of the CAO and Clerk's time. Staff time to prepare and orient the new appointee will be required.

Timeline: A new Council Member would likely not be sworn in until the end of April, 2020.

If this option were selected, there would be a number of meetings with only six (6) Councillors which would increase the potential for tied (and therefore defeated) votes.

Sustainability Checklist:

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

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|---|-----|
| • Do the recommendations help move the Municipality closer to its Vision? | N/A |
| • Do the recommendations contribute to achieving Cultural Vibrancy? | N/A |
| • Do the recommendations contribute to achieving Economic Prosperity? | N/A |
| • Do the recommendations contribute to Environmental Integrity? | N/A |
| • Do the recommendations contribute to the Social Equity? | N/A |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

As noted above, Option 3 would have the greatest impact on the budget as the transfers to the Election Reserve Fund would need to be increased in the following years to prepare for the 2022 Municipal and School Board Election. Options 2 and 3 would have a minimal impact on the budget.

Reviewed By:

A handwritten signature in black ink, appearing to be 'Trish Serratore', with a stylized, cursive script.

Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

A handwritten signature in black ink, appearing to be 'Fiona Hamilton', with a simple, cursive script.

Fiona Hamilton, Clerk

Reviewed By:

A handwritten signature in black ink, appearing to be 'Sonya Watson', with a stylized, cursive script.

Sonya Watson, Chief Administrative Officer