

# **Municipality of East Ferris**

## **Recommendation Report to Council**

Report No.: CLERK-2025-02  
Originator: Kim Rose, Clerk  
Subject: Council Vacancy Policy

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Date: May 8<sup>th</sup>, 2025

### **RECOMMENDATION**

That Council for the Corporation of the Municipality of East Ferris adopts, as prepared, the attached *Council Vacancy Policy* that establishes the process for filling vacancies for the office of Mayor and/or a member of Council; and

That Council, for the current vacancy of the mayor's seat, chooses option #1 or #2 for proceeding with the filling of such office with a qualified individual as outlined in Section 256 of the *Municipal Act*; and

That Council directs the Clerk to proceed accordingly.

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### **BACKGROUND/HISTORY**

The position of Mayor became vacant upon the resignation of Pauline Rochefort on May 5<sup>th</sup>, 2025, after her successful election campaign for MP for the Nipissing-Timiskaming riding. The Mayoral seat was acclaimed in the October 2022 municipal elections.

Section 262 (1) of the *Municipal Act, 2001* requires that "If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings".

Section 263(1) of the *Municipal Act, 2001* then provides two methods for the filling of a Council vacancy<sup>1</sup> as follows:

- a) Fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) Require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*.

Aside from a by-election, filling the vacancy through appointment could be accomplished by:

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<sup>1</sup> Filling any vacancy requires that Council fill the seat within 60 days of declaring it vacant (in the case of an appointment) or choose to pass a by-law to conduct a by-election within that 60 days).

1. Direct appointment by nomination of a current member of Council to the Mayoral position; or
2. Through advertising of the vacancy and the submission of interested and qualified applicants.

In either of the above examples (other than a by-election), a candidate would need to be an eligible candidate under the *Municipal Elections Act, 1996* and be ready, willing, and able to accept the appointment. In the case of a by-election, all candidates must satisfy the requirement of the *Municipal Elections Act, 1996*.

As a result of the declaration, the deadline to fill the vacancy is July 7<sup>th</sup>, 2025.

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## **ANALYSIS/OPTIONS**

The attached Council Vacancy Policy with procedures is provided for Council's consideration and subsequent adoption. There are 3 Options for Council to consider.

### **Option 1:**

That Council fill the vacancy of Mayor by nominating a current Member of Council who is a qualified individual as outlined in Section 256 of the Act. The attached Council Vacancy Policy establishes the process for filling the office through appointment of a current member of Council. This is one of 2 recommended options for Council's consideration.

### **Option 2:**

Council may opt to fill the vacancy of Mayor by appointing by a call for nominees. This person must be qualified to hold municipal office in the Municipality of East Ferris as outlined in Section 256 of the Act. The attached Council Vacancy Policy establishes the process for filling the office through appointment by the Call for Nominees. This is one of 2 recommended options for Council's consideration.

### **Option 3:**

Council may opt to fill the vacancy by requiring that a by-election be held. Section 263 of the Act requires Council to make the decision and pass a by-law to fill the vacancy by by-election also within sixty (60) days after Council has declared the seat vacant.

Should Council decide to fill the vacancy by by-election, Section 65 of the Municipal Elections Act requires the Clerk to establish Nomination Day not less than 30 days and not more than sixty (60) days from the day Council passes a by-law to hold a by-election and Voting Day shall be forty-five (45) days after Nomination Day.

The *Municipal Elections Act* also requires that by-elections be conducted as far as possible in the same manner as regular elections. In this instance, the by-election would be done via paper ballots.

**Option 3 is NOT recommended due to the significant financial impact.**

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## **FINANCIAL IMPLICATIONS**

Option 1: No financial impact on the Municipality.

Option 2: Minimal financial impact on the Municipality – limited to advertising costs.

Option 3: A significant financial impact on the Municipality at a cost of over \$14,000.00.

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## **RECOMMENDATION**

### **Option 1:**

That Council for the Corporation of the Municipality of East Ferris adopts, as prepared, the attached *Council Vacancy Policy* that establishes the process for filling vacancies for the office of Mayor and/or a member of Council; and

That Council, for the current vacancy of the mayor's seat, chooses option #1 or #2 for proceeding with the filling of such office with a qualified individual as outlined in Section 256 of the *Municipal Act*; and

That Council directs the Clerk to proceed accordingly.

Respectfully Submitted,



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Kim Rose, Dipl. M. A.  
Clerk

I concur with this report and  
recommendation,



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Jason Trottier, HBBA, MPA, CPA, CMA  
CAO/Treasurer