

## **Municipality of East Ferris**

### **Recommendation Report to Council**

Report No.: CLERK-2021-01

Date: January 12, 2021

Originator: Monica L. Hawkins, Clerk

Subject: Councillor Vacancy

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#### **RECOMMENDATION**

- A. That Council declare the Office of Councillor to be vacant at the January 12th, 2021 Council Meeting;
  - B. That Council consider appointing a person to fill the vacancy on or before March 12th, 2021 (*within 60 days of declaration*); and
  - C. That Council choose between recommended Option 2 and Option 3 to fill the vacant Council seat.
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#### **BACKGROUND/HISTORY**

The office of a councillor became vacant on the passing of Deputy Mayor Michel Voyer. The seat was awarded in the October 2018 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*.

While filling the vacancy through by-election is an obvious potential solution, filling the vacancy through appointment could be done in several ways as follows:

- 1. Appointment could be done by appointing the runner-up in the October 2018 municipal election;

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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).

2. Appointment could be done through advertising of the vacancy and the submission of interested and qualified applicants.

In any of the above examples (other than a by-election), any 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*.

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### **ANALYSIS/OPTIONS**

While there are no existing policies respecting the filling of Council vacancies for the Municipality, it is something that Council may want to discuss at some point in the future. A policy of this nature is something that is not uncommon across the Province.

#### **Option 1:**

The Municipality of East Ferris conducts a by-election under the *Municipal Elections Act, 1996*.

#### **Option 2:**

The Municipality of East Ferris advertises for a qualified applicant to fill the vacant Council seat.

#### **Option 3:**

Council appoints the runner-up in the October 2018 Municipal elections.

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### **FINANCIAL IMPLICATIONS**

Option 1: A significant financial impact on the Municipality at a cost of over \$14,000.00.

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

Option 3: No financial impact on the Municipality.

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### **RECOMMENDATION**

#### **Option 1:**

The Municipal election conducted in October 2018 acclaimed a Mayor and elected four (4) Councillors for a four (4) year term beginning on December 1st, 2018. The cost of the election was \$14,130.00. We are just passed the 2-year mark into this term of Council.

A by-election will generally cost more than a regular election in terms of man-hours and dollars. Automatic processes and some additional election supports are not in place for a by-election, so there is more work for the Clerk's department to do things such as creating a by-election calendar to ensure deadlines are met, arranging for voters' list data and updates from the Municipal Property Assessment Corporation (MPAC), etc. Additional advertising should be done to ensure that the electorate is aware of the by-election as it would be occurring outside of the regular scheduled election period when residents are more aware of the election. The estimated cost to run a by-election would be at least the same cost as running a regular election for the municipality. We would be looking at a cost of \$14,130.00 to elect one Council member in a by-election. This means in the case of such a by-election, the Municipality will have expended \$28,260.00 to elect four (4) Councillors and in fact \$14,130.00 to elect one (1) person to replace a vacant seat; moreover, we are pass the 2-year mark into a 4-year term.

It takes longer to fill the vacancy through a by-election. The timeframe set out in the *Municipal Elections Act* is from 75 to 105 days from the date the by-law is passed until voting day. This means the office could remain vacant for several months.

For these reasons, **Option 1 is NOT recommended.**

#### **Option 2:**

Advertising for qualified applicants and having an opportunity to hear them present on subjects that affect the Municipality does have merit. Having the ability to then question each qualified candidate on subject matter that is familiar to Council would also provide an opportunity to gauge just how well a fit each applicant would be for Council. Debate is healthy, and cohesion is important.

For these reasons, **Option 2 is one of two recommended options.**

#### **Option 3:**

Council could consider simply asking the Candidate (in the 2018 Election) with highest number of votes, that was not elected, to assume the vacant council seat. The first runner-up is eligible to hold the vacant seat.

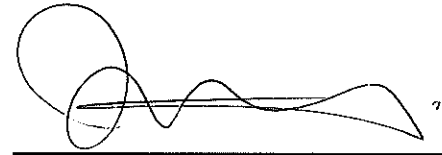
The results for the Office of Councillor in the 2018 municipal elections were as follows:

<b>Candidates</b>	<b># of Votes received</b>
Voyer, Michel	740
Trahan, Steven	712
Kelly, Terry	698
Lougheed, Erika	678
Champagne, Rick	638
Brazeau, Nick	307
Percival, Tim	217 (not eligible)

There are forty (40) votes that separate the first runner-up from the last successful Councillor candidate; and a difference of three hundred and thirty-one (331) votes separating the first runner-up to the second runner-up.

For these reasons, **Option 3 is one of two recommended options.**  
Respectfully Submitted,

  
Monica L. Hawkins, AMCT  
Clerk

  
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CAO/Treasurer