



Staff Report

Administration – Town Clerk

Report To: Council Meeting
Meeting Date: January 31, 2022
Report Number: FAF.22.021
Title: Appointment Procedure to fill Vacant Councillor Seat
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.22.021, entitled “Appointment Procedure to fill Vacant Councillor Seat”;

AND THAT Council approves the “Appointment Procedure to Fill Vacant Councillor Seat” as attached to Staff Report FAF.22.021 regarding the Councillor Vacancy declared on January 17, 2022 and reflective of the direction previously provided by Council.

B. Overview

In accordance with the *Municipal Act*, S.O. 2001, c.25, when the seat of a Member of Council becomes vacant, Council is required to declare the seat vacant and determine if the seat will be filled by By-election or Appointment. Council has directed that the current Councillor vacancy will be filled by Appointment. This staff report provides a draft procedure for consideration of the applications received for appointment.

C. Background

At the January 17, 2022 Council meeting, Council declared the seat of Councillor to be vacant, and directed staff to proceed with the Appointment process to fill the Vacant Councillor seat.

E.3 Declaration of Councillor Office to be Vacant following Appointment of Peter Bordignon as Deputy Mayor on December 15, 2021, FAF.22.011

Moved by: Councillor Uram
Seconded by: Councillor Hope

THAT Council receive Staff Report FAF.22.011, entitled “Declaration of Councillor Office to be Vacant following Appointment of Peter Bordignon as Deputy Mayor on December 15, 2021”;

AND THAT, in accordance with section 262 of the *Municipal Act, 2001*, Council of the Town of The Blue Mountains does hereby declare the office of Councillor to be vacant.

Yay (6): Mayor Soever, Deputy Mayor Bordignon, Councillor Hope, Councillor Matrosovs, Councillor Sampson, and Councillor Uram

The motion is Carried (6 to 0)

E.4 Options to Fill Vacant Councillor Seat for the balance of the 2018 to 2022 Term of Council, FAF.22.012

Moved by: Councillor Uram

Seconded by: Councillor Matrosovs

THAT Council receive Staff Report FAF.22.012, entitled "Options to Fill Vacant Councillor Seat for the balance of the 2018 to 2022 Term of Council";

AND THAT Council direct staff to proceed with Option #2B "Appointment by Call for Applications" to fill the vacant Councillor Seat, with the application to include the option to declare whether the applicant intends to run in the 2022 Town of The Blue Mountains Municipal Election

Yay (4): Mayor Soever, Deputy Mayor Bordignon, Councillor Matrosovs, and Councillor Uram

Nay (2): Councillor Hope, and Councillor Sampson

The motion is Carried (4 to 2)

D. Analysis

The attached draft procedure outlines the steps for appointment to Council through an application process.

The process identifies how notice will be given, the application requirements, the Council Meeting where Council will hear from the Applicants, and the process for selection. Following selection of the Councillor, a by-law will be presented at the following Council Meeting, the Declaration of Office will be administered, and orientation with the appointed individual will commence.

The recommended timeline for the appointment is provided below:

January 17, 2022	Declaration of Councillor Seat to be Vacant
January 31, 2022	Appointment Procedure Approved by Council
February 1, 2022	Release of the Call for Applications for Appointment as Councillor, to include posting on the Town website, and advertised in the Collingwood Connection

February 22, 2022, 4:00 pm	Applications Due to the Town Clerk
February 25, 2022	Special Meeting of Council Agenda released to the Public
March 3, 2022	Applicant Presentations to Council
March 14, 2022	By-law to Appoint New Councillor, Declaration of Oath of Office by New Councillor

The voting process will follow the normal process of Council, requiring a mover and a seconder, discussion, followed by a vote, with a simple majority dictating the outcome. It should be noted that, with just two exceptions that do not apply in this situation, a ballot or secret vote is NOT permitted under the *Municipal Act, 2001*

Open voting

244 Except as provided in sections 233 and 238, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

As noted in the *Municipal Act, 2001*, a person appointed to fill the vacancy shall hold the office for the remainder of the term of Council.

It is a requirement that the application forms and documentation are filed in person by the Applicant, with the Clerk or her Designate. Should the Town Hall be closed to the public because of COVID restrictions, Applicants will be required to make an appointment with the Clerk's Office to file the documentation during normal office hours.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

None

G. Financial Impacts

There will be a cost to advertise the call for applications in the newspaper, estimated at \$2000.

H. In Consultation With

Shawn Everitt, Chief Administrative Officer

Will Thomson, Director of Legal Services

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Corrina Giles, Town Clerk townclerk@thebluemountains.ca.

J. Attached

1. Draft Appointment Procedure for Filling Council Vacancy
2. Declaration of Qualifications
3. Council Vacancy Application
4. Freedom of Information Release

Respectfully submitted,

Corrina Giles
Town Clerk

For more information, please contact:
Corrina Giles, Town Clerk
townclerk@thebluemountains.ca
519-599-3131 extension 232

Report Approval Details

Document Title:	FAF.22.021 Appointment Procedure to fill Vacant Councillor Seat .docx
Attachments:	- Appointment Procedure for Filling Council Vacancy.docx - 2022 Vacancy Candidate Declaration of Qualifications FINAL.doc - Council Vacancy Application 2022.docx - 2022 Vacancy Candidate Freedom of Information Release FINAL.doc
Final Approval Date:	Jan 24, 2022

This report and all of its attachments were approved and signed as outlined below:

Shawn Everitt - Jan 24, 2022 - 3:32 PM

Attachment to Staff Report FAF.22.021
Appointment Procedure For Filling Council Vacancy
January 31, 2022

1. General

- 1.1. The Town Clerk, or designate, shall be responsible for interpreting and, where appropriate, facilitating the appointment application process. The Town Clerk has the authority to make minor technical amendments to this procedure as may be required from time to time.
- 1.2. Any individual filling the vacancy must be an Eligible Elector in the Town of The Blue Mountains under the *Municipal Elections Act*.

2. Notice

- 2.1. Advertisement is posted to the Town of The Blue Mountains website, and in local media. The advertisement will include Council's intention to appoint a qualified person to fill the vacancy and the process to be followed.
- 2.2. Communication using other methods may also be used, where appropriate.

3. Application

- 3.1. Any individual wishing to be considered for appointment to fill the Council vacancy will complete and provide the following to the Town Clerk in person by the date and time established by the Town Clerk:
 - 3.1.1. Council Vacancy Application form;
 - 3.1.2. Declaration of Qualifications form; and
 - 3.1.3. Freedom of Information Release.

NOTE: If the Town Hall is closed to the public because of COVID restrictions, Applicants will be required to schedule an appointment to file the required documents in person

- 3.2. Individuals filing the above forms will be required to provide identification showing their name and a qualifying address to the satisfaction of the Town Clerk. Once submitted, the forms will be made available to the public in the same way as a nomination form for a candidate in a municipal election.
- 3.3. Applicants should submit a personal statement of qualification for Council's consideration. Personal statements will be typewritten in a 12-point (or greater) font on letter size (8 1/2 " x 11") paper, shall not exceed one page in length and will include the Applicant's name. Statements that do not meet these requirements will not be included in any Council meeting agenda or be provided to Council by the Town Clerk. The Clerk's office will advise Applicants of the deadline for the submission of personal statements.
- 3.4. It is the Applicant's sole responsibility to meet any deadline or otherwise comply with any requirements of this procedure.
- 3.5. The Town Clerk will create a list of all Applicants which will be a public document.

Attachment to Staff Report FAF.22.021
Appointment Procedure For Filling Council Vacancy
January 31, 2022

4. Council Meeting

- 4.1. The Applicants will be considered by Council at an open Council meeting. The meeting will be livestreamed on the Town of The Blue Mountains website.
- 4.2. The meeting may be a regular Council meeting or a Special Council meeting called for that purpose.
- 4.3. Notwithstanding the requirements of the Procedural By-law, the agenda for the meeting shall be set by the Clerk to allow for the orderly proceeding of selecting an appointee, while respecting the standard agenda of a regular Council meeting if applicable.
- 4.4. The Personal Statement of Qualification of each Applicant will be included with the agenda package and will be made available as part of the public agenda posted on the Town's website.
- 4.5. The order of Applicant's speaking will be determined by lot, where the first drawn will be afforded the opportunity to speak first, and so on.
- 4.6. Applicants will be invited to address Council for no more than five minutes each.
- 4.7. Each Council Member will be permitted to pose a maximum of two questions to each Applicant.
- 4.8. Upon hearing the submission of all Applicants, Council may take a short recess.
- 4.9. Upon resumption, Council Members may nominate an Applicant to be appointed, and if seconded, the motion will be put to the floor for discussion/debate, and the Chair will call for the vote.
- 4.10. A simple majority vote of Council will determine whether the nominated Applicant is successful.
- 4.11. If a simple majority is not achieved for the first nominated Applicant, the Chair will call for motions to nominate a different Applicant, then put to the floor for discussion/debate, and the Chair will call for the vote, until a nominated Applicant achieves a simple majority.
- 4.12. The nomination will be confirmed through the confirmatory by-law at the end of the meeting.

5. Subsequent Meetings

- 5.1. A by-law confirming the appointment shall be enacted by Council to appoint the successful appointee to the office for the remainder of the term.
- 5.2. Orientation for the new member of council will be scheduled.
- 5.3. The Clerk will administer the Oath of Office to the successful appointee.

Attachment to Staff Report FAF.22.021
Appointment Procedure For Filling Council Vacancy
January 31, 2022

6. Timeline for Appointment of Councillor

January 17, 2022	Declaration of Councillor Seat to be Vacant
January 31, 2022	Appointment Procedure Approved by Council
February 1, 2022	Release of the Call for Applications for Appointment as Councillor, to include posting on the Town website, and advertised in the Collingwood Connection
February 22, 2022, 4:00 pm	Applications Due to the Town Clerk
February 25, 2022	Special Meeting of Council Agenda released to the Public
March 3, 2022	Applicant Presentations to Council
March 14, 2022	By-law to Appoint New Councillor, Declaration of Oath of Office by New Councillor

DECLARATION OF QUALIFICATIONS

for Municipal Applicants - 2018 to 2022 Term of Council, Councillor Vacancy

I, _____, an Applicant for the office of Councillor for the balance of the 2018 to 2022 term of Council do solemnly declare that:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001* to be elected or appointed to and to hold the office of Councillor in the Town of The Blue Mountains.
2. Without limiting the generality of paragraph 1, I am:
 - at least eighteen years of age
 - a Canadian citizen
 - a resident of the Town of The Blue Mountains or the owner or tenant of land in the Town of The Blue Mountains or the spouse of such owner or tenant.
3. I am not ineligible or disqualified under the *Municipal Elections Act, 1996*, the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* or any other Act to be appointed to or hold the above-mentioned office.
4. Without limiting the generality of paragraph 3,
 - I am not an employee of the Town of The Blue Mountains, or if I am an employee of the Town of The Blue Mountains, I am on an unpaid leave of absence as provided for by section 30 of the *Municipal Elections Act, 1996*.
 - I am not a judge of any court.
 - I am not a member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the Town of The Blue Mountains prior to 4:00 p.m. on the closing date for application being February 22, 2022. I understand that the Town Clerk of the Town of The Blue Mountains will reject my application for the above-mentioned office if I fail to provide proof of resignation by this deadline.
 - I am not a member of the Executive Council of Ontario or a federal Minister of the Crown.
 - I am not a Crown employee within the meaning of the *Public Service Act*, or if I am a Crown employee, I have followed and will continue to follow all the relevant provisions of Part III of such Act.
5. I am not prohibited from voting at the municipal election under subsection 17(3) of the *Municipal Elections Act, 1996*.
6. Without limiting the generality of paragraph 5,
 - I am not a person who is serving a sentence of imprisonment in a penal or correctional institution.
 - I am not a person who was convicted of a corrupt practice described in subsection 90(3) of the *Municipal Elections Act, 1996*, from voting in a municipal election.

7. I am not a person who was convicted of a corrupt practice under the Municipal Elections Act, 1996 or of an offence under the Criminal Code (Canada), in connection with an act or omission with respect to a municipal election if the Voting Day in that election is less than five years prior to February 22, 2022.
8. I am not disqualified from being appointed to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the Municipal Elections Act, 1996.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at the Town of The Blue Mountains this _____ day of _____, 2022.

(Signature of applicant)

(Signature of Clerk or designate)

Personal information on this form is collected under the authority of the <i>Municipal Elections Act, 1996</i> and will be used for the vacancy appointment process for the Councillor office being filled and will be available for public inspection in the office of the Town of The Blue Mountains until the next municipal election.



Council Vacancy Application

Municipal Elections Act, 1996

NOTE

- A Council Vacancy Application may only be filed in person; it may not be faxed or e-mailed
- It is the responsibility of the person applying to file a complete and accurate application
- Please print or type information (except signatures)

Council Vacancy Application of a person to be an Applicant for appointment to the position of Councillor for the Town of The Blue Mountains for the balance of the 2018 to 2022 Term of Council

For the Office of:

Councillor

Ward Name or no. (if any)

n/a

Candidate's full qualifying address within municipality

Suite or Unit No.

Street No.

Street Name

City/Town

Province

Postal Code

Candidate's full mailing address within municipality (if different from qualifying address above)

Suite or Unit No.

Street No.

Street Name

City/Town

Province

Postal Code

QUESTION: I intend to run in the 2022 Town of The Blue Mountains Municipal Election, please select one:

YES _____ NO _____ Applicant declines to answer _____

Declaration of Qualification

I _____ the applicant mentioned in this form, declare that I am presently legally qualified, or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate House of Commons of Canada, to be elected and to hold the office for which I have applied and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the Town of The Blue Mountains
in the County of Grey

this _____ day of _____, 2022.

Signature of Clerk or Commissioner, etc.

Signature of Applicant

Date Filed (yyyy/mm/dd)

Time Filed

Applicant or Agent Initial

Signature of Clerk or Designate

Certification by Clerk or Designate

I, the undersigned clerk of this municipality do hereby certify that I have examined the application of the aforesaid candidate filed with me and am satisfied that the candidate is qualified to be appointed and that the appointment complies with the Act.

Signature

Date Filed (yyyy/mm/dd)

FREEDOM OF INFORMATION RELEASE

Municipal Elections Act, 1996 s.88

Name of Applicant: _____

For the office of: Councillor

NOTE: The name of each Applicant shall be listed on the Town of The Blue Mountains website. Applicants may choose what further information, if any, is to be provided on the Town's website site by completing and signing this form.

In accordance with the *Municipal Freedom of Information and Privacy Act, 1990*, as amended, I hereby authorize the Town of The Blue Mountains to include on the Town website and to make available to any person, the following information with respect to my application for appointment to the office of Councillor for the balance of the 2018 to 2022 Term of Council:

☐ Personal Statement of Qualifications

Methods of contact to share with the public:

Home Telephone	
Business Telephone	
Other Telephone	
E-mail	
Website	

Applicant Signature

Date

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996*. Despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*, documents and materials filed with or prepared by the clerk or any other election official under this Act are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open.