



Date: Tuesday, November 22, 2022

From: Brittany Drury, Director of Corporate Services / Clerk

Subject Vacant Council Seat

Report LEG2022-017

Recommendation

Whereas Councillor-Elect Mike Smith provided written notice of his resignation from his office on the Township of Georgian Bluffs Council to the Clerk on November 14, 2022, and

Whereas said written notice fulfilled the resignation requirements defined in Section 260 of the *Municipal Act, 2001*;

Now Therefore, Council hereby approves the following:

That Councillor-Elect Mike Smith's Council office is hereby declared vacant for the purposes of Section 262 of the *Municipal Act, 2001*, and

That staff be directed to pursue appointment of the vacant position, as described in Option 1 of this report.

Background

Further to correspondence received from Councillor-Elect Mike Smith to the attention of Council-Elect, CAO and Township Clerk on November 14, 2022, Councillor-Elect Smith has resigned from his Council seat, thereby commencing the Council vacancy process as defined in the *Municipal Act, 2001*.

Section 259 of the *Municipal Act, 2001* (the Act), defines reasons, options and procedures of deeming a Council seat vacant. Should a member resign from their elected office for any of the reasons defined in Section 259, Council must accomplish the following within a 60-day timeframe:

1. Declare the Council seat vacant.

Per Section 262 of the Act, where a member has resigned from their elected office, Council must formally declare the seat vacant at their next meeting. Said declaration must be in the form of a formal Council resolution, passed in open session.

2. Select the process for filling the vacancy.

Per Section 263 of the Act, Council may fill a vacant seat by way of two options:

- i. Appoint an individual to fill the vacancy, or
- ii. Pass a by-law requiring a by-election.

3. Formally select one of the two processes by by-law of Council.

In considering both options permitted by the Act, Council may consider the following:

Option 1 – Appointment

Appointment of an individual to the vacated seat may be accomplished by resolution of Council, followed by a formal appointment by-law. As the 2022 Municipal and School Board election cycle has just recently concluded, Council may elect to appoint the candidate with the highest number of votes received beyond the five successful incumbents, ie. the sixth most successful candidate.

In considering the 2022 Official Election Results, the candidate who received the most votes, following the successful incumbents, is Isaac Shouldice.

THOMPSON, Ryan	Councillor	2518
MOORE COBURN, Cathy	Councillor	2423
SMITH, Mike	Councillor	1963
DAY, Tobin	Councillor	1912
WINTERS, Rick	Councillor	1734
SHOULDICE, Isaac	Councillor	1644
AZAVEDO, Christopher	Councillor	1472
CORREIA, Colin Louis	Councillor	864

Should Candidate Shouldice be unable to fill the position, the appointment process would move to the candidate with the next highest number of votes, and continue to follow this process until a candidate is willing to fulfill the appointment.

Option 2 – Host a By-Election

Both the *Municipal Act, 2001* and *Municipal Elections Act, 1996* define provisions for hosting of by-elections throughout the province. Essentially, should Council move to commence a by-election process, a second round of elections for the vacant position would be conducted through the Clerks Office.

In this process, a new round of nominations would welcome candidates to submit nomination papers during a nomination period, ongoing for no less than 30 days, and no more than 60 days, with voting day to occur 45 days following conclusion of nominations. The same rules of a regular election would apply, with a new Voters List generated and new communications circulated to the public. The by-election is to be treated as a separate entity to that of the regularly held municipal election cycle.

Should Council wish to pursue the by-election process, an RFP for election services will be required, depending on the method of voting selected. The original RFP and service contract with Scyt! Voting Systems, which administered the telephone and internet voting portions of the 2022 Municipal and School Board elections, did not include by-

election services. Further, all costs associated with a by-election would move beyond those incurred in the October election cycle.

Recommended Action

As the 2022 Municipal and School Board election has just recently concluded, it is recommended that Council pursue filling the vacated seat by appointment, as outlined in Option 1 of this report. Said option provides transparency to the public, in that all considered candidates were publicly nominated to hold public office, participated in the elections process and received ballots through the voting process. Further, the appointment process can be accommodated at no further cost to the Township or the public.

Financial Impact

There is no financial impact in approving the recommendations as included in this report.

Should Council deem a by-election to be the most appropriate action, a report considering financial implications and voting methods, will be presented at the next regular meeting.

Strategic Priorities

Approval of the recommendation as included in this report achieves the 5th Strategic Goal, Deliver Effective and Cost-Efficient Services, as defined in the 2020-2024 Strategic Plan.

Conclusion

As indicated in writing to the Township Clerk, Councillor-Elect Mike Smith has resigned from his position on Township Council. Following declaration of his seat to be vacant, it is recommended that Council pursue Option 1, as discussed in this report, being to appoint the candidate with the next highest number of votes received in the 2022 Municipal and School Board election cycle.

Respectfully Submitted: Brittany Drury, Director of Corporate Services / Clerk

Report Approval Details

Document Title:	LEG2022-017- Vacant Council Seat.docx
Attachments:	
Final Approval Date:	Nov 14, 2022

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

Cynthia Fletcher, Chief Administrative Officer