



## The Corporation of the Town of Tecumseh

Legislative & Clerk Services

**To:** Mayor and Members of Council  
**From:** Jennifer Alexander, Acting Clerk  
**Date to Council:** July 26, 2022  
**Report Number:** LCS-2022-26  
**Subject:** Appointment for the Office of Councillor Ward 1

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### Recommendations

It is recommended:

**That** Report LCS-2022-26 entitled “Appointment of the Office of Councillor Ward 1” **be received;**

**And that** (Name of Candidate) **be appointed by by-law** for the vacancy of Councillor, Ward 1;

**And further that** the duration of this appointment be for the remaining term of Council, ending November 14, 2022;

**And furthermore that** the Appointment By-law in Attachment 1 be considered for adoption at the July 26, 2022 Regular Council meeting for first, second, third and final readings.

### Background

On June 5, 2022, the Councillor for Ward 1 submitted a letter of resignation to the Chief Administrative Officer, effective immediately. At the June 7, 2022 Regular Council meeting, Council passed resolution SCM 19/22 to formally adopt a motion to declare the seat vacant. The formal declaration satisfies the provisions of Section 262(1) of the *Municipal Act, 2001* (Act). Section 263 of the Act provides guidance for filling a vacancy

on Council. When a vacancy is declared in advance of 90 days prior to voting day of the next regular election, Council is obliged to fill the vacancy by either:

1. Appointing a person who has consented to accept the office if appointed; or
2. Requiring a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*.

Council has 60 days from the date of declaration to fill the vacancy using one of the two options above. The 60-day deadline is August 5, 2022 to appoint a person.

To be considered for appointment, individuals must satisfy the following qualifications, as outlined in the *Municipal Elections Act*:

- a. Reside in or be an owner/tenant of land in the municipality, or spouse;
- b. Must be a Canadian citizen;
- c. Be at least 18 years of age; and
- d. Not prohibited from voting under section 17(3) of the *Municipal Elections Act* or otherwise by law.

Further, an appointee cannot be one who is disqualified from holding office by the *Municipal Elections Act* or any other Act.

The Town adopted Council Vacancy Policy No. 89 (Policy) in 2016 regarding Council Vacancy that provides further guidance to Council on filling a vacancy. At the June 26, 2022, Regular Council meeting, Council passed resolution RCM 191/22 which gave direction to Administration to fill the vacancy by the appointment process of calling for nominees outlined in Option B of the Policy and consistent with Section 263 of the Act.

## Comments

In keeping with the Policy procedure for filling a vacancy by a call for nominees, the Acting Clerk posted a Council Vacancy Notice on the Town's website and in the Essex Free Press for three consecutive weeks on July 7, 14, and 21, 2022. An online application form was available on the Town's website for interested candidates to submit their application along with their personal statement. A list of candidates was posted on the Town's website and updated regularly as new applications were submitted.

An information session was held on Tuesday, July 19, 2022 in Council Chambers for interested candidates. The session provided an opportunity for individuals to gain a better understanding of the appointment process and the role of Councillor.

The deadline to apply was Thursday, July 21, 2022, at 2:00 pm. The applications submitted and a list of candidates is appended to the Special Council Meeting (SCM) Agenda for Council's consideration.

The Policy provides some flexibility with the SCM Agenda's order of business to allow for the orderly proceeding of selecting a candidate. The SCM will be a hybrid format, whereby Council and Administration will be conducting the meeting in-person in Council Chambers and all candidates will be participating electronically.

After the meeting is called to order and the Chair reaches the Delegations item, he will call on the Acting Clerk to present a motion to Council regarding the applicants to be considered to fill the vacancy. Once the motion has been passed, the candidates will be called into the meeting, one at a time, to present their personal statement and answer any questions from the Members. Each candidate will have the opportunity to address Council for no longer than 10 minutes and each Member will be permitted two questions for each candidate. Responses shall be limited to two minutes per question. The order of delegations will be determined by alphabetical order by the candidate's surname.

After all the candidates have presented and responded to questions, Council will vote by paper ballot that will be distributed at the meeting. The completed ballots will be placed in a container to be drawn out one-by-one and read into the public record by the Acting Clerk. The Acting Clerk will tabulate and announce the results.

The candidate with the greatest number of votes and who has received more than one-half of the votes of the Members will be appointed. If the candidate receiving the greatest number of votes does not receive more than one-half of the votes from the Members, the candidate receiving the fewest number of votes will be excluded from further consideration. Amended ballots will be distributed to the Members and they will vote again. This process will be repeated until the candidate receiving the greatest number of votes and more than one-half of the votes from the Members is determined.

The appointment of a candidate will be made by by-law. The by-law in Attachment 1 will be completed with the candidate's name and considered for adoption at the Regular Council meeting on July 26, 2022, at 7:00 pm. The Clerk will administer the Declaration of Office required by section 232(1) of the Act, at a time convenient to the appointee and before the Regular Council meeting scheduled for August 9, 2022. It is anticipated that the August 9<sup>th</sup> Council meeting will be attended by the newly appointed Council member in the capacity of Councillor, Ward 1.

## **Consultations**

Chief Administrative Officer

## Financial Implications

Financial expenses associated with the Council vacancy appointment process consisted of \$600 for advertising the public notice. This expense is being funded through the Council Advertising budget.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable

Website  Social Media  News Release  Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA  
Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Draft Appointment By-law