



APPOINTMENT PROCEDURE TO FILL VACANCY OFFICE OF THE MAYOR OR DEPUTY MAYOR

1. GENERAL

- 1.1. The Municipal Clerk, or designate, shall be responsible for interpreting and, where appropriate, facilitating the appointment application process. The 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 under the *Municipal Elections Act*.
- 1.3. The Clerk will post a Council Vacancy notice as per the Municipal Public Notice By-law.

2. APPOINTMENT PROCEDURE – OPTION 1

- 2.1. If a vacancy in the Office of the Mayor or Deputy Mayor is to be filled by appointment, Council may choose to fill the vacancy by appointing a current member of Council in accordance with the Act.
- 2.2. Any member of Council wishing to be considered for appointment to the vacancy shall advise the Clerk in writing by 12:00 noon, five business days prior to the Special Council meeting.
- 2.3. If there are no members of Council who advise that they wished to be considered for appointment to the vacancy, Council shall fill the vacancy by appointment and follow the procedures as outlined in section 3 of this procedure.
- 2.4. At the special meeting, the following shall take place:
 - 2.4.1. The Clerk shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
 - 2.4.2. Council shall appoint a Chair for the special meeting, the Chair may not be a candidate for appointment.
 - 2.4.3. The Clerk will read a list of the names of those Members of Council who have indicated in writing their interest in being appointed to the vacancy and the Chair will call for a motion from Council in the

following form:

“That the following candidates, who have signified in writing their interest in being appointed to the office of Mayor/Deputy Mayor, be considered for appointment to fill such vacancy.”

- 2.4.4. Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot.
- 2.4.5. Each Member of Council not being considered for the appointment will be allowed no more than one question to each candidate.
- 2.4.6. Upon hearing all the submissions of the candidates, Council will proceed to vote as follows:
 - a. Members of Council will vote by way of public vote;
 - b. If the candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting Members of Council, the candidate or candidates who received the fewest number of votes shall be excluded from consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes. This shall be repeated until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting Members of Council;
 - c. Where the votes cast are equal for candidates:
 - i. If there is a three or more-way tie, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - ii. If there is a two-way tie, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot, as conducted by the Clerk.
 - d. If there is only one person placing their name forward to fill the vacancy or upon conclusion of the voting and drawing of lots, the Clerk will declare the successful candidate.
 - e. A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

3. APPOINTMENT PROCEDURE – OPTION 2

- 3.1. If a vacancy in the Office of the Mayor or Deputy Mayor is to be filled by appointment, Council may choose to fill the vacancy by appointing an

eligible elector as outlined by the Act.

4. Application

- 4.1. Any individual wishing to be considered for appointment to fill the Council vacancy will complete and sign the Council Vacancy Application form and a Declaration of Qualification form approved by the Clerk, and will submit the forms to the Clerk in person by the date and time established by the Clerk.
- 4.2. Any individual wishing to be considered for appointment to fill the Council vacancy will be required to provide identification to prove his or her identity and qualifying address to the satisfaction of the Clerk.
- 4.3. Candidate(s) may submit a personal statement of qualification for consideration of Council. Personal statements will be typewritten in a 12 point (or greater) font on letter size (8 ½" x 11") paper, shall not exceed one (1) page in length, and will include the candidate(s) name and address. Statements that do not meet these requirements shall not be included in any Council meeting agenda, or provided to Council by the Clerk. The Clerk will advise candidate(s) of the deadline for submission of a personal statement.
- 4.4. It is the candidate(s) sole responsibility to meet any deadline or otherwise comply with any requirement of this procedure.
- 4.5. The Clerk will create a list of all candidates.

5. Council Meeting – Part 1: Interviews

- 5.1. A vote to fill a vacancy on Council by appointment will occur at an open Council meeting.
- 5.2. 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 a candidate.
- 5.3. At the meeting, the Clerk will make a short statement for the purpose of the meeting and the general order of proceedings to be followed.
- 5.4. The Clerk will read a list of the names of qualified applicants and the Chair will call for a motion from Council in the following form:

“That the following individuals, who have signified in writing that they are legally qualified to hold office and consented to accept the office if they are appointed to fill the Council vacancy, be considered for appointment to fill such vacancy.”
- 5.5. Each of the candidates will be asked the five (5) questions approved by Council. The questions will be asked by the CAO for consistency

purposes. The order of speaking will be determined by lot. The Clerk will place the names of all candidates in a container and randomly draw the names.

5.6. Fifteen (15) minutes will be allotted for each interview to ensure a fair, effective and efficient process. The Clerk will stand after twelve (12) minutes to indicate that there are three (3) minutes left and again at fifteen (15) minutes if the interview is still in progress.

5.7. Upon hearing all candidate submissions, Council will adjourn and a decision on who to appoint will be made at the next Council meeting.

6. Council Meeting – Part 2: Selection

6.1. At the next Council meeting, Council will proceed to vote, by way of a public ballot vote, in rounds of voting as follows:

- 6.1.1. Each of the pieces of paper to be used as either ballots or to be used by the Clerk to draw names will be equal in size and type;
- 6.1.2. Only the Clerk or designate may handle the papers, ballots and container referenced in this procedure, save and except the members being permitted to mark their ballots;
- 6.1.3. Ballots will be provided to members of Council on which to indicate their choice of candidate(s) in writing; and all ballots shall be of identical size, paper quality and colour and shall be pre-printed with the member's name and a place to be signed by the member;
- 6.1.4. The first round of voting will be to short list the candidates. In the case of four (4) or more candidates, members will select the top three (3) candidates of their preference; in the case of three (3) or less candidates, members will select the top two (2) candidates of their preference.
- 6.1.5. The first round ballots will contain the name of each candidate, in alphabetical order by surname and have a box immediately preceding the surname in which the member of Council may mark an "X" beside the name of the candidates of their preference as provided in 16(d).
- 6.1.6. The top three (3) candidates, or top two (2) as the case may be, who receive greatest number of votes cast will continue to the next round of voting. If the candidates receiving the greatest number of votes cast results in a tie, all candidates receiving the greatest number of votes cast will continue to the next round of voting. All other candidates will be removed from further consideration.
- 6.1.7. Any round one ballot marked with more than the prescribed "X" as

provided in 16(d), or any subsequent round ballot that is not legibly printed, or any ballot that does not contain the authentication signature of the member of Council shall be considered a spoiled ballot and shall not be included in the tally;

- 6.1.8. All subsequent ballots shall be in the form described in (c) above but will not contain any candidate names in a pre-printed format;
- 6.1.9. The Clerk will ask members of Council to vote by clearly printing the name of their preferred candidate on the ballot, signing the ballot for authentication purposes, folding the ballot and returning it directly to the Clerk or designate;
- 6.1.10. The Clerk will read aloud the member's name and selected candidate and announce the tallies of all votes;
- 6.1.11. If the candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, all candidates who did not receive any votes or the candidate who received the fewest number of votes shall be excluded from consideration;
- 6.1.12. The process shall be repeated until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council;
- 6.1.13. Where the votes cast are equal for candidates:
 - a. If there is a three or more-way tie, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - b. If there is a two-way tie, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot, as conducted by the Clerk.
- 6.1.14. Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of voting Members, or as provided in 13(m);
- 6.1.15. A by-law confirming the appointment shall be enacted by Council to appoint the successful candidate to the office for the remainder of the term and the Clerk will administer the Oath of Office to the successful candidate;
- 6.1.16. The minutes of the Council meeting shall include a full disclosure of all voting results.