

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO. 73-2020

Being a By-Law to adopt a Procedural Manual For Council Vacancy

WHEREAS Section 9 of the Municipal Act, 2001 provides the municipality with the powers of a natural person for the purpose of exercising its authority under this or any Act;

AND WHEREAS Section 263 (1) of the Municipal Act, 2001 provides that the Township may appoint a person to fill the vacancy of a member of the Council of the municipality;

AND WHEREAS Council for the Township of Wollaston deems it necessary to have a Procedural Manual in place for providing an accountable and transparent process for the filling of council vacancies which occur during a term of office;

NOW THEREFORE the Council of the Corporation of the Township of Wollaston enacts as follows:

1. The Procedural Manual For Council Vacancy attached hereto as Schedule "A" shall form part of this By-law and is hereby approved for use within the municipality;
2. This By-law shall come into force and take effect upon the passing there of by the Council of The Corporation of the Township of Wollaston.
3. All By-laws or part of By-laws previously passed inconsistent with the provisions of this By-law are hereby repealed.

PASSED this the 14th, day of December 2020.

MAYOR: LYNN KRUGER

SEAL

CLERK: BERNICE CROCKER

SCHEDULE “A”
TOWNSHIP OF WOLLASTON
PROCEDURAL MANUAL
FOR COUNCIL VACANCY

1. PURPOSE:

The purpose of this policy is to provide for an accountable and transparent process for the filling of council vacancies which occur during a term of office

2. POLICY:

2.01 Pursuant to the Municipal Act, S.O. 2001, c. 25, when the seat of a member of council becomes vacant during the term of office, Council may fill a vacancy by appointing a person who has consented to accept the office if appointed, or requiring that a by-election be held to fill a vacancy in accordance with the Municipal Elections Act, S.O., 1996, c. 32.

2.02 DEFINITIONS:

In this policy, otherwise stated:

- (a) “Act” means the Municipal Act, S.O. 2001, c. 25, as amended.
- (b) “Appointment” means the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council for the remainder of the current Council term.
- (c) “By-election” means an election, other than a regular election, held to fill a vacancy on Council and that is conducted in accordance with the Municipal Elections Act, 1996, as amended.
- (d) “Candidate” means any individual qualified to be elected to hold office as a member of Council in accordance with the Act.
- (e) “Clerk” means the Clerk or his/her designated of the Township of Wollaston as appointed by Council.
- (f) “Council” means the Council of the Township of Wollaston.
- (g) “Municipal Elections Act” means the Municipal Elections Act, S.O. 1996, c. 32, as amended.
- (h) “Regular Election Year” means the year established for a regular municipal election in accordance with the Municipal Elections Act, 1996, as amended.
- (i) “Term of Office” means the period of time a member is elected to hold office for which he/she is elected in accordance with the Municipal Elections Act, 1996, as amended.
- (j) “Vacancy” means when a seat on Council has become vacant in a manner described in Section 259 of the Act.

3. PROCEDURES:

3.01 General

Within sixty (60) days after the day a declaration of vacancy is made by Council according to Section 262 of the Act, Council shall determine whether to fill the vacancy by by-election or by appointment in accordance with the Act, subject to:

- (a) The limitation of filling a vacancy only by appointment if the vacancy occurs after March 31 in the year of a regular election set out in the Municipal Elections Act; and
- (b) The restriction on filling a vacancy that occurs within 90 days of voting day of a regular election held in accordance with the Act.

In making its determination, Council will consider the costs and timelines associated with filling a vacancy by appointment or by by-election.

3.02 Eligibility Requirements

Any individual filling a vacancy must meet the eligibility requirements of office as outlined in the Act and the *Municipal Elections Act, 1996*, including but not limited to:

- (a) Eighteen (18) years of age or older; and
- (b) A Canadian citizen; and
- (c) A resident of the Township of Wollaston, or an owner or tenant of land in the municipality or the spouse of such an owner or tenant; and
- (d) Not prohibited from voting under any other Act or disqualified from holding municipal office.

3.02 Filing Vacancies by Appointment

The following processes shall be followed when filling a vacancy by appointment:

(a) **Vacancy in the Office of the Mayor**

If a vacancy in the Office of Mayor is to be filled by appointment, Council may choose to fill the vacancy by appointment to:

- i. A current member of Council; or
- ii. Any qualified individual as outlined in Section 256 of the Act.

(b) **Vacancy in the Office of Deputy Mayor**

If a vacancy in the Office of Deputy Mayor is to be filled by appointment, Council may choose to fill the vacancy by appointment to:

- i. A current member of Council; or
- ii. Any qualified individual as outlined in Section 256 of the Act.

(c) **Vacancy in the Office of Councillor**

If a vacancy in the Office of Councillor is to be filled by appointment, Council may choose to fill the vacancy by appointing:

- i. Any qualified individual as outlined in 256 of the Act.

3.04 Filling Vacancies by By-election

If a vacancy is to be filled by by-election it shall be held in accordance with the Municipal Elections Act, 1996, as amended.

3.05 Administration

- (a) Members of Council are responsible for the adoption and application of this policy.
- (b) The Clerk is responsible for the administration and interpretation of this policy, including advising Council on its application.