

Council Vacancy Procedures

1. Council is required to declare a vacant seat in accordance with the *Municipal Act, 2001*. (The Act).
2. In accordance with the Act, the following rules apply to filling vacancies:
 - a. Section 263(5) states that within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262 of the Act, the municipality shall;
 - i. Appoint a person to fill the vacancy; or
 - ii. Pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).
 - b. Despite paragraph 1, if a court declares an office to be vacant, the council shall act under subsection (1) or (4) within 60 days after the day the court makes its declaration.
 - c. Despite subsections (1) to (4) if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy.
3. Section 264 of the Act provides that the person appointed or elected to fill a vacancy shall hold the office for the remainder of the term of the person they replaced.
4. In making its determination, Council will consider the costs and timelines associated with filling a vacancy by appointment or by by-election.

Eligibility Requirements

5. Any individual filling a vacancy must meet the eligibility requirements of office as outlined in the Act and the Municipal Elections Act and as noted below:
 - 18 years of age or older;
 - a Canadian citizen;
 - a resident of the Town of Halton Hills, or an owner or tenant of land in the Town or the spouse of such an owner or tenant; and
 - not prohibited from voting under any other Act or from holding municipal office.
6. If an employee of the Town of Halton Hills seeks appointment to Council, the employee shall give Council written notice, in advance, of his or her intention to take unpaid leave. If the employee is app

7. ointed to office, they will be deemed to have resigned from their position with the Town immediately before making the declaration of office.

Option #1A – Filling a Vacancy by direct appointment of Election Candidate

Council may fill the vacancy by appointing the Candidate who ran for the position that is vacant, from the most current municipal election and who received the most votes but was not elected.

The Candidate shall reaffirm that they meet the eligibility requirements of office as outlined in the Act and the Municipal Elections Act.

If the individual is no longer qualified to hold office, the appointment shall be to the next Candidate who ran for the position that is vacant from the most recent municipal election who received the second most votes but was not elected, and so on.

New Member will be sworn in at the **April 14, 2025** Council meeting.

Option #1B – Filling a Vacancy by direct appointment through Application (Call for Nominees)

The Clerk shall post a Council vacancy notice (Schedule 1) on the Town website and social media platforms following Council's decision to fill a vacancy by appointment for 2 weeks (14 days) from the date the vacancy has been declared. The notice shall indicate Council's intention to appoint an individual to fill a vacancy and shall outline the application process.

Any individual wishing to be considered for appointments to the vacancy shall complete and sign the following:

- Council Vacancy Application Form (Schedule 2)
- Declaration of Qualifications (Schedule 3)
- Endorsement of Nomination Form (Schedule 4)
- Freedom of Information (FOI) Release (Schedule 5)

These forms must be submitted in person by the deadline established by the Clerk. Proper identification must be provided to prove the identity and qualifying address of the applicant to the satisfaction of the Clerk.

Candidate(s) may submit to the Clerk a personal statement of qualifications for consideration of Council. Personal statements will be typewritten in a 12-point font size on letter size (8.5" x 11") paper and shall not exceed two (2) pages 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 the Candidate of the deadline for submission of a

personal statement and that it will appear on the public agenda for the Open Council meeting in which the candidate selection occurs.

It is the applicant's sole responsibility to meet any deadline or otherwise comply with any requirement of the Municipal Act, or Municipal Elections Act.

Council Meeting – Interviews and Selection Process

1. A vote to fill a vacancy on Council by appointment shall occur at an open Council meeting which may be a regular Council meeting or a Special Council meeting called for that purpose.
2. Notwithstanding the requirement of the Procedure By-law, the agenda for the meeting shall be set by the Clerk to allow for the orderly proceeding of selecting a Candidate. The agenda shall include the following:
 - a. A certified list of all Candidates listed in alphabetical order by last name.
 - b. Any personal statement of qualifications for consideration by Council.
3. At the meeting the following will take place:
 - a. The Chair will make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
 - b. The Clerk will provide to the Chair a list of the names of qualified Candidates and the Chair shall 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 vacancy, be considered for appointment to fill such vacancy.”
 - c. Candidates will be sequestered in the Esquering Room until it is their time to present themselves and answer and questions posed by Council. Once the candidate has answered the questions, they may remain in the Council Chambers.
 - d. Each of the Candidates shall be provided the opportunity to address Council. If there are more than five (5) Candidates, they may be afforded up to five (5) minutes to address Council. If there are less than five (5) Candidates, they may be afforded up to ten (10) minutes to address Council. The timing will be at the Clerk's discretion once all applications are received. The order of speaking will be determined by alphabetical order by last name.

- e. Each member of Council will be permitted one (1) question to each Candidate. Candidates shall be limited to a maximum of two (2) minutes per question.

Voting

1. After 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 as required by the Municipal Act.
 - b. Candidate names will be displayed in alphabetical order on a prepared ballot sheet and visible on the screen in Council Chambers.
 - c. Members of Council shall vote for one Candidate only.
 - d. The Clerk will place the names of all Members of Council in a container and randomly draw their names to vote.
 - e. Members of Council shall mark their prepared ballot sheet and shall reveal their vote to the public by verbally announcing it. The written ballot is the official record of the vote. All ballots shall be identical in size, paper quality and colour and shall be pre-printed with the Council Member's name and signature. The Clerk or designate shall collect the ballots after each round of voting.
 - f. The Clerk will tabulate the votes.
 - g. Candidates receiving zero votes will be automatically eliminated from the voting process.
 - h. If the Candidate receiving the greatest number of votes cast does not receive fifty percent plus one of all voting members of Council (six votes), the Candidate who received the fewest number of votes shall be excluded from further consideration.

The vote will be taken again by the Clerk and, if necessary more than once, excluding in each successive vote the Candidate who receives the fewest number of votes. This process shall be repeated until the nominee

receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.

The exception to this will be when two Candidates with the lowest votes are tied. In this case, the vote will be taken again by the Clerk to include the tied Candidates. If the results remain the same and the Candidates remain tied, the tie shall be broken by selecting a Candidate by lot to proceed, as conducted by the Clerk. (By lot means a method of determination by placing the names of the Candidates on equal size pieces of paper and placed in a container with one Candidate name being drawn by the Clerk). The vote will then be taken again for the remaining Candidates.

- i. Where the votes cast are equal for all the Candidates, and if:
 - i. There are three (3) or more Candidates remaining, the Clerk shall by lot select one such Candidate to be excluded from the subsequent voting;
 - ii. Only two (2) Candidates remain, the tie shall be broken by selecting the successful candidate by lot, as conducted by the Clerk.
- j. Upon conclusion of the voting, the Clerk will note the Candidate receiving the votes of 50% plus one (1) (6 votes) of all voting members of Council.
- k. The appointment of the successful Candidate shall be made by By-law. A By-law confirming the appointment shall be enacted by Council at its next meeting or Council shall direct the Clerk how to proceed further.

New Member will be sworn in at the **May 5, 2025** Council meeting.