

**Town of South Bruce Peninsula  
Appointments to Council Vacancy – Clerk’s Procedure  
Updated December 18, 2023**

The *Municipal Act, RSO 2001*, as amended provides the legislative directive surrounding vacancies on Council. In order to fill a vacancy, Council, subject to certain time constraints, must make an appointment or must direct the Clerk to hold a by-election to fill the vacancy.

Any appointment must be an eligible elector, in accordance with the *Municipal Elections Act, 1996*, as amended. Appointments can be selected from currently sitting members of Council or from other persons from the community at large who are eligible electors.

Council must have fulsome and open conversation with regard to the method they will choose to fill vacancies on Council. This procedure will govern appointments to Council.

These procedures have been developed by the Clerk and may be changed from time to time, at the discretion of the Clerk.

It should be noted that the Deputy Clerk may assist the Clerk with the implementation of these procedures, as required.

**1. Appointment of Currently Sitting Member of Council**

1.1 If Council determines that there is sufficient interest from among its currently sitting members to fill a vacancy, Council will, by resolution, direct the Clerk to facilitate nominations and voting.

1.2.1 This process will be undertaken in an open Council meeting.

1.2.2 The Clerk will make three calls to the currently sitting members of Council for nominations for the vacant position.

1.3 Any sitting member may nominate another sitting member and likewise, any sitting member may nominate themselves.

1.4.1 Any sitting member being nominated by another member will be asked by the Clerk if they wish to have their name stand and accept the nomination.

1.4.2 A yes or no answer is required. If the answer is yes, the nomination will stand. If the answer is no, the nomination will not be considered to have been submitted.

1.5.1 After the third call for nominations, the Clerk will close the nominations.

- 1.5.2 If only one member has been nominated, that person will be considered to be acclaimed and will be the member to be appointed by Council to fill the vacancy.
- 1.6.1 If more than one member has been nominated, each member whose name stands as being nominated will be given the opportunity to briefly address Council regarding their intentions in serving in the vacant position.
- 1.6.2 Speaking order will be determined alphabetically by last name beginning with the letter "A".
- 1.7.1 The Clerk will ask each sitting member of Council, alphabetically by last name beginning with the letter "A", to cast a verbal vote for the appointment of one of the members who are nominated.
- 1.7.2 Any member who is nominated is also entitled to vote.
- 1.7.3 The Clerk will record each vote cast and make a declaration at the completion of voting.
- 1.7.4 The nominated member receiving the most votes will be the person who Council will appoint to the vacancy.
- 1.8.1 If the vote is tied, the names of the nominated members will be written on individual pieces of paper and placed in a container which is chosen by the Clerk for this purpose.
- 1.8.2 The Clerk will draw from the container, with the name being drawn being the person who Council will appoint to the vacancy.

## **2. Appointment of Eligible Elector**

- 2.1 If Council determines that they wish to make an appointment of an eligible elector, Council will, by resolution, direct the Clerk to make a call to the public.
- 2.2.1 The Clerk will place an advertisement in a local newspaper and on the Town website giving interested eligible electors a minimum of one (1) week to submit letters of interest.
- 2.2.2 The advertisement will set the exact date and time by which letters of interest are to be received by the Clerk.
- 2.2.3 Letters of interest must be submitted using any form prescribed by the Clerk.
- 2.2.4 Letters of interest must be filed in person with the Clerk unless the Clerk otherwise permits.

- 2.2.5 The Clerk will verify the eligibility of the person submitting the letter of interest and may do so by requesting any documentation deemed necessary for that purpose.
- 2.2.6 Letters of interest must adhere to Town procedures including but not being limited to the content being respectful, not containing inappropriate language, nor containing any harassing or unwelcome content.
- 2.3.1 Any letter of interest received after the date and time advertised, not filed in person, not filed on the prescribed form, filed by a person other than an eligible elector or not adhering to procedure will not be presented to Council.
- 2.3.2 It is the sole responsibility of any eligible elector to ensure that they make submissions in accordance with the procedures established and that they are eligible electors, and there will be no recourse available to any person who does not make submission in accordance with the procedures established or who is not an eligible elector.
- 2.4.1 Any information submitted will be presented to Council in an open meeting and will be placed on a Council agenda which is publicly accessible over the internet.
- 2.4.2 Notwithstanding Section 2.4.1, information submitted will also be made available to the public by other means which could include by email, on the Town website and by distribution of paper copies.
- 2.5.1 At minimum, by way of inclusion on the agenda, the Clerk will provide the list of interested eligible electors to Council and will include the letter of interest submissions.
- 2.5.2 The list and submissions will be compiled alphabetically by last name beginning with the letter "A" however the names of individuals who have made submissions may be posted using other listing criteria including by date filed, at the discretion of the Clerk.
- 2.6.1 Any interested eligible electors included on the list presented to Council will be given the opportunity to briefly address Council at an open Council meeting (date, time and duration of the address is to be determined by the Clerk), regarding their intentions to be appointed to the vacant seat.
- 2.6.2 The order of address to Council will be alphabetically by last name beginning with the letter "A".
- 2.6.3 Council will be permitted to proceed into Closed Session to discuss any individual however, all voting is to be undertaken in Open Session.

- 2.7.1 In open session, the Clerk will ask each member of Council, to write down (on paper provided by the Clerk) the name of the interested eligible elector whom they would like to see on the short list to be considered by Council to fill the Council vacancy.
- 2.7.2 The Clerk will collect the papers from members of Council and will, in an order which is alphabetical by Council member last name beginning with the letter "A", read the name of each individual eligible elector chosen together with the name of the member of Council who chose the individual.
- 2.7.3 The Clerk will compile the short-listed names and will begin the Council voting process by reading an interested eligible elector's name from the short list, alphabetically by last name beginning with the letter "A".
- 2.7.4 Council members will be expected to vote by show of hands with majority being required.
- 2.7.5 If no majority is received, the Clerk will continue by reading the next name from the short list with Council members voting by show of hands each time.
- 2.7.6 The interested eligible elector who is the first to receive the majority of votes on the show of hands will be chosen to fill the vacancy and no further names will be read by the Clerk for voting.
- 2.8 If none of the interested eligible electors chosen by Council for voting receive a majority of the votes on the first round of voting, members of Council will be asked to vote in a second round, following the provisions contained in Section 2.7 with the interested eligible electors on the short list being the only choices.
- 2.9.1 If after the second round of voting, none of the interested eligible electors receive the majority of votes, the names of the interested eligible electors on the short list will be written by the Clerk on individual pieces of paper and placed in a container which is chosen by the Clerk for this purpose.
- 2.9.2 The Clerk will draw from the container, with the name which is drawn being the person who Council will appoint to the vacancy.