

Policy

Policy Name:	Council Vacancy Policy
Policy Owner:	Director, Legislative Services/City Clerk
Approved by:	Council
Effective Date:	October 15, 2013
Date of Last Revision:	Initial; Policy
Review Date:	Beginning of new term of Council

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.

Policy Principles:

In accordance with 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.

Definitions:

In this Policy, the following terms have the meanings set out below:

“Act”	means the <i>Municipal Act</i> , S.O. 2001, c. 25, as amended.
“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.
“By-election”	means an election, other than a regular election, held to fill a vacancy on Council and that is conducted in accordance with Section 65 of the <i>Municipal Elections Act</i> , 1996, as amended.
“Candidate”	means any individual qualified to be elected to hold office as a member of Council in accordance with the Act.
“Clerk”	means the Clerk or his/her designate of the City of Richmond Hill as appointed by Council.

"Council"	means the Council of the City of Richmond Hill.
"Municipal Elections Act"	means the <i>Municipal Elections Act</i> , S.O., 1996, c.32, as amended
"Regular Election Year"	means the year established for a regular municipal election in accordance with the <i>Municipal Elections Act</i> , 1996, as amended.
"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 <i>Municipal Elections Act</i> , 1996, as amended.
"Vacancy"	means when a seat on Council has become vacant in a manner described in section 259 of the Act.

Scope

This policy applies to any vacancy on Council which occurs during the term of office.

Policy

General

The City of Richmond Hill is committed to an open, accountable and transparent government.

Within 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 on filling a vacancy only by appointment if the vacancy occurs after March 31 in the year of a regular election set out in Section 65(2) of the *Municipal Elections Act*; and
- (b) the restriction on filling a vacancy that occurs within 90 days of voting day of a regular election in Section 263(5)(b) of the Act,.

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

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 and as noted below:

- 18 years of age or older;
- a Canadian citizen;
- a resident of the City of Richmond Hill, or an owner or tenant of land in the City or the spouse of such an owner or tenant; and
- not prohibited from voting under any other Act or from holding municipal office.

Filling Vacancies by Appointment

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

1. 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 appointing:

- a) a current Member of Council; or,
- b) any qualified individual as outlined in Section 256 of the Act.

2. Vacancy in the Office of a Regional/Local Councillor

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

- a) a current Ward Councillor; or,
- b) any qualified individual as outlined in Section 256 of the Act.

3. Vacancy in the Office of a Ward Councillor

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

- a) any qualified individual as outlined in Section 256 of the Act.

4. Alternate Appointment to Regional Council

In accordance with Section 267(2) of the Act, if a vacancy occurs in the office of the Mayor or a Regional/Local Councillor and that vacancy will not be filled for a period exceeding one month, Council may appoint a Ward Councillor as an alternate member of the upper-tier Council (Regional Municipality of York) until the vacancy is permanently filled under the provisions of the Act and this policy.

Filling Vacancies by By-election

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

Roles and Responsibilities

Members of Council

- Council is responsible for the adoption and application of this policy.

Clerk

- The Clerk is responsible for the administration and interpretation of this policy, including advising Council on its application.

Related Documents

Municipal Act, S.O. 2001, c.25

Municipal Elections Act, 1996, c.32

Richmond Hill Council Vacancy Policy – Procedure to Appoint an Individual to Fill a Vacancy