

# Policy

<b>Policy Name:</b>	Council Vacancy Policy
<b>Policy Owner:</b>	Director, Legislative Services/City Clerk
<b>Approved by:</b>	Council
<b>Effective Date:</b>	October 15, 2013
<b>Date of Last Revision:</b>	Initial; Policy
<b>Review Date:</b>	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, S.O. 2001, c. 25</i> , 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, 1996</i> , 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 Municipal Elections Act, 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