

Procedure

Procedure Name:	Procedure to Appoint an Individual to Fill a Vacancy
Parent Policy:	Council Vacancy Policy
Procedure Owner:	Corporate & Financial Services (Director, Legislative Services/City Clerk)
Approved by:	Council
Effective Date:	October 15, 2013
Date of Last Revision:	Initial Procedure ¹
Review Date:	Beginning of new term of Council
Procedure Status:	New

Purpose

The following procedure will be used when appointing an individual to fill a vacancy on Council.

Definitions:

“Act”	means the <i>Municipal Act, 2001</i> , S.O. 2001, c.25, as amended.
“Chair”	means the member of Council presiding at the council appointment meeting.
“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.
“Council appointment meeting”	means the regular or special council meeting called to appoint an individual to fill a vacancy.
“Lot”	means a method of determination by placing the names of the nominees on equal size pieces of paper and placed in a container with one name being drawn by the Clerk.
“Member”	means a current and sitting member of Council of the Corporation of the City of Richmond Hill.
“Nominee”	means those individuals seeking to fill a vacancy on Council who meet the eligibility requirements and who have completed the requisite documentation as outlined in this procedure.

¹ Deemed amended - Council Resolution at its meeting on February 12, 2020 – Item 13.3.1 – “d) That all Council approved policies requiring newspaper notices be deemed amended to only require website and other digital media notices;” (Confirmatory By-law 17-20)

Procedures:

General

1. Council is required to declare a seat vacant in accordance with the Act.
2. 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.
3. If an employee of the City of Richmond Hill 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 appointed to office, they will be deemed to have resigned from their position with the City immediately before making the declaration of office.

Filling a Vacancy by Appointment

1. The Clerk shall post a Council Vacancy notice (Appendix A) on the City website for a minimum of four (4) consecutive weeks following Council's decision to fill a vacancy by appointment. The notice shall indicate Council's intention to appoint an individual to fill a vacancy and shall outline the nomination process.²
2. A vote to fill a vacancy on Council by appointment shall occur at an open Special Council Meeting.
3. Any individual wishing to be considered for appointment to the vacancy shall complete and sign a Council Vacancy Application Form (Appendix B) and a Council Vacancy Declaration of Qualification (Appendix C) and submit the forms by the deadline established by the Clerk.
4. At the meeting, the following shall 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. Individuals seeking appointment to the position of Mayor and/or Regional and Local Councillor who are also current members of Council (nominees) shall declare a pecuniary interest.

² Deemed amended - Council Resolution at its meeting on February 12, 2020 – Item 13.3.1 – “d) That all Council approved policies requiring newspaper notices be deemed amended to only require website and other digital media notices;” (Confirmatory By-law 17-20)

- c. The Clerk will provide to the Chair a list of the names of those individuals who have indicated, in writing, their interest in being appointed to the vacancy and the Chair will 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.”
- d. Each of the nominees shall be afforded the opportunity to address Council for a period of not more than ten (10) minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all nominees in a container and randomly draw the names).
- e. Each member of Council will be permitted one (1) question to each candidate. Candidates will be sequestered in an adjacent room until it is their time to answer the questions posed by Council. Once a candidate has answered the questions, they may remain in the Council Chambers.
- f. Upon hearing all the submissions of the nominees, Council will proceed to vote as follows:
- i. Members of Council will vote by way of public vote.
 - ii. Nominee names shall be displayed on the monitors in alphabetical order, in the Council Chambers by the Clerk.
 - iii. Members of Council shall vote for one nominee only.
 - iv. The Clerk shall call upon the members of Council in random order.
 - v. Members of Council shall verbally cast their vote.
 - vi. The Clerk shall tabulate the results.
 - vii. If the nominee receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the nominee or nominees 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 nominee or nominees who receive 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;
 - viii. Where the votes cast are equal for all the nominees and if:
 1. There are three or more nominees remaining, the Clerk shall by lot select one such nominee to be excluded from the subsequent voting;
 2. Only two nominees remain, the tie shall be broken by selecting a nominee by lot, as conducted by the Clerk.
- g. Upon conclusion of the voting, the Clerk will note the nominee receiving the votes of more than one-half of the number of the voting members of Council or the nominee selected through section (f)(viii)(2).

- h. The appointment of the nominee shall be made by by-law. A by-law confirming the appointment shall be enacted by Council or Council shall direct the Clerk how to proceed further.

Roles and Responsibilities

Clerk

- The Clerk shall be responsible for interpreting and administering the Council Vacancy Policy and the Procedure to Appoint an Individual to Fill a Vacancy.
- The Clerk shall be responsible for conducting any by-election in accordance with the *Municipal Elections Act* and all applicable policy and procedure.

Related Documents:

Appendix A - Council Vacancy Public Notice Template

Appendix B - Council Vacancy Application Form

Appendix C - Council Vacancy Declaration of Qualification

Richmond Hill Council Vacancy Policy

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

Municipal Elections Act, 1996, c. 32