

| Type of Decision | | | | | | | | | |
|-------------------|--------------------------|------------------|--|----|-----------------|---------------------------|------|--|--------|
| Meeting Date | Friday, January 11, 2013 | | | | Report Date | Wednesday, December-19-12 | | | |
| Decision Required | X | Yes | | No | Priority | X | High | | Low |
| Direction | x | Information Only | | | Type of Meeting | X | Open | | Closed |

| REPORT TITLE |
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| Vacant Seat and By-Election Report 11/01/13/1002 |

STAFF RECOMMENDATION: That Council adopt the attached by-law officially declaring a seat on Council vacant and authorizing a by-election.

Resolution #1 – a resolution adopting by-law 2013-02 which states...

1. **THAT** this Council does hereby declare a vacant office for the Council of the United Townships of Head, Clara & Maria effective December 31, 2012;
2. **THAT** a by-election shall be held as per the *Municipal Act* and the *Municipal Elections Act* as soon as possible in the new year; ...”

OR Council has the option to appoint someone.

Resolution #2

WHEREAS Councillor David Foote has filed his resignation with the Clerk on December 6, 2012 to become effective December 31, 2012;

AND WHEREAS section 263 of the *Municipal Act* speaks to filling vacancies by appointing a person who has consented to accept the office if appointed or requiring a by-election in accordance with the *Municipal Elections Act*, 1996;

NOW THEREFORE the Council of the Corporation of the United Townships of Head, Clara & Maria does hereby enact as follows:

1. **THAT** this Council does hereby declare a vacant office in the Council of the United Townships of Head, Clara & Maria effective December 31, 2012;
2. **THAT** Council advertises for the vacant position with the intent to appoint someone to fill the vacancy and authorizes the Clerk to advertise a closing date for applications of February 1, 2013.”

BACKGROUND/EXECUTIVE SUMMARY: Council has to decide on the method of filling the vacant office – by appointment or by-election. Appointment may further be determined by advertising for a position, appointing the runner up in the last by-election or appointing someone who has shown interest.

It is suggested that since there has been much interest in the activities and decisions of the current Council that the public be given the opportunity to elect the next member to represent the members of the public.

Public input has been demanded for Council decisions such as disposal sites, recycling, staff salaries, pensions and hall renovations; is selecting an individual to sit on Council not an important enough decision to warrant public input?

Alternative 1 – By-elections

Council has the opportunity to call a by-election which will put the onus on filling the vacant seat in the hands of the electorate. This option would be most fair, open and transparent. There are costs to consider.

Concerning by-elections:

- The by-law to declare the seat vacant shall be made at the next meeting after the written notice of resignation. - January 11, 2013
- Within 60 days of that declaration Council has to either appoint an individual who is willing to accept the seat or pass a by-law declaring a by-election will be held. – by March 12, 2013
- Within 60 days of calling the by-election the date must be set for Nomination day. Nominations may be received from the day the by-law is passed (suggested January 11, 2013) until 2:00 p.m. on Nomination Day. – by March 12, 2013 – (Suggested Nomination Day - February 8, 2013)
- Election Day is to be held 45 days after Nomination Day. – (Suggested Monday, March 25, 2013)
- Advance Poll – Deux Rivieres and Stonecliffe – 4 hours each – (Suggested March 16, 2013)

In order to expedite the entire process and ensure that the vacant seat is filled as soon as possible it is staff recommendation that the by-law to declare the seat vacant and to authorize a by-election occur at the January 11, 2013 meeting.

Alternative 2 - Council appointment.

Council has the opportunity to appoint an individual willing to accept the position. In order to provide the opportunity for all those interested in filling the vacant seat, it is staff recommendation that should Council go this route they advertise to fill the vacancy as opposed to simply selecting someone.

This process is open, transparent and fair. Council can then vote on a list of choices to select who they would like to appoint. Should only one application be submitted, the decision will be made. There are limited costs.

Council may decide to appoint the runner up in the last by-election. This would be the most efficient and least expensive option however; much has changed in the last 12 months and there seems to be increased interest in the politics of HCM. This choice might be seen to be taking away the residents' right to choose their representative.

Concerning Appointments:

- The by-law to declare the seat vacant - same- January 11, 2013
- Within 60 days of that declaration Council has to either appoint an individual who is willing to accept the seat or.... – by March 12, 2013

FINANCIAL CONSIDERATIONS/BUDGET IMPACT: Costs of a by-election can be reduced significantly by reducing the number of hours of polling stations at advance polls.

Although there will be costs associated with an election, these are costs that have been saved by this municipality in each of 2007 and 2010. This municipality has not spent money on an election since before 2004 aside from the by-election in 2012.

Cost of 2012 by-election - \$1,250. With reduced polls and other savings, costs could be as little as \$800.

Estimated cost of appointment after open contest and with advertisements <\$50.

Estimated cost of appointment with no advertisements \$0.

Funds exist in an election reserve to cover the expense of an election without affecting the current budget.

Policy Impact: Any of the three choices follow legislation.

1. By-election
2. Appoint runner up from by-election
3. Appoint after request for applications

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

Melinda Reith