



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2021-94-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 28, 2021
Subject: Process to Fill a Vacant Seat of Council

Purpose

To provide Council with information on the process to fill a vacant seat of Council.

Recommendation

That Council choose from one of the following three options:

- a. Appoint the first non-elected candidate for the position of Council Member during its last municipal election to fill the vacancy, subject to conditions in accordance to the *Municipal Election Act*; or
- b. Require a by-election to be held to fill the vacancy in accordance with the *Municipal Election Act, 1996*; or
- c. Fill the vacancy by appointing a person who has consented to accept the office if appointed.

Background / Discussion

On Monday, July 8, 2021, Council selected Glen G. Grant to be its Mayor.

With Glen G. Grant being appointed Mayor, a vacancy has occurred for the seat of Councillor. As outlined in the Municipal Act, where a vacancy has been created for the seat Councillor, Council will need to determine the manner in which to fill the vacancy at a Council meeting.

Subsequently, Council will need to choose one of the following three (3) options in replacing the vacant seat of Councillor within sixty (60) days of the seat being declared vacant. They are as follows:

- a. Appoint the first non-elected candidate for the position of Council Member during its last municipal election to fill the vacancy, subject to conditions in accordance to the *Municipal Election Act*; or
- b. Require a by-election to be held to fill the vacancy in accordance with the *Municipal Election Act, 1996*; or
- c. Fill the vacancy by appointing a person who has consented to accept the office if appointed.

Option A – First Non-Elected Candidate

Council can fill the vacancy by appointing the first non-elected candidate during its last municipal, election to fill the vacancy, subject to conditions in accordance to the *Municipal Election Act*.

The appointment must be made within sixty (60) days of declaring the seat vacant.

Option B - By-Election

The option of a By-election remains available to Council as well. This process would similarly follow the process and procedures of a regular election but would be for the sole purpose of replacing the seat of the Councillor.

If Council should wish to proceed with a by-election for the vacant seat, there are potentially significant costs and resources involved in conducting the by-election that could be similar to those costs of conducting a regular full election. Despite the by-election being for the one vacant seat, when considering the voting stations, tabulators, staffing, etc., these costs could potentially be materially similar to those to those costs of the 2018 election, which was approximately \$180,000.

Likewise, should Council consider a by-election to replace the vacant Councillor seat, the election would be required within 105 days of the seat being declared vacant.

The detailed timelines for this option would be as follows:

Declaration of Vacant Seat	August 9, 2021
Deadline for Adoption of By-Election By-Law (+60 days)	October 8, 2021
Voting Day (+45 days)	November 22, 2021

Option C - Council Appointment

Council can fill the vacancy by appointing a person who has consented to accept the office if appointed to fill the vacancy of the Councillor's position.

The appointment must be made within sixty (60) days of declaring the seat vacant.

Document Title:	Process to Fill a Vacant Seat of Council - 2021-94-Corporate Services.docx
Attachments:	
Final Approval Date:	Aug 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Manon L. Levesque - Aug 3, 2021 - 10:54 AM

Geoffrey Clarke - Aug 3, 2021 - 2:29 PM

Maureen Adams - Aug 3, 2021 - 2:42 PM