

**TOWNSHIP OF RED ROCK  
POLICY/PROCEDURE**

---

Section	Subject	Page 1 of 6			
<b>A-29</b>	<b>Council Vacancy Policy</b>	<b>APPROVED:</b>	04	11	2024
		<b>Day</b>	<b>Month</b>	<b>Year</b>	

---

**PURPOSE**

The purpose of this policy is to provide the rules with respect to filling a Council Vacancy for the Township of Red Rock should one arise.

**GOVERNING LEGISLATION**

Municipal Act Municipal Act, 2001 S.O. 2001, Chapter 25  
Municipal Elections Act, 1996 S.O. 1996, Chapter 32  
Municipal Conflict of Interest Act Municipal Conflict of Interest Act RS.O. 1990, Chapter M.50

**POLICY STATEMENT**

Council has determined that there was a need to develop a policy to fill a vacancy on Council before they were faced with making such a decision. It was determined that developing a policy prior to a vacancy existing would allow Council time to create a transparent and nonpartisan procedure.

**DETERMINING A COUNCIL VACANCY**

- a. The office of a member of Council of a Municipality becomes vacant if the member
  - i. becomes disqualified from holding the office ( no longer owns or rents in the Municipality)
  - ii. fails to make the declaration of office before the deadline
  - iii. is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of council
  - iv. resigns, is appointed or elected to fill any vacancy in any other office on the same council
  - v. declared vacant in any judicial proceeding
  - vi. forfeits his or her office
  - vii. dies
  
- b. Council shall declare the vacancy at its next meeting declaring the office to be vacant unless in the case of a death it may be made at either of its next two meetings. This will be done by way of a Council Resolution which will state the

following

*THAT Council hereby declares the seat of Councillor/Mayor to be vacant pursuant to the Municipal Act and hereby directs the Clerk to proceed with filling the vacancy as per the Vacancy Policy.*

- c. When a vacancy is declared on or:
- prior to December 31<sup>st</sup> of the first year after a regular election, the position shall be filled by appointing the Candidate who ran for the position of Councillor from the most current Election who received the most votes but was not elected. (ex: for the 2022 election this would mean on or prior to December 31<sup>st</sup> of 2023)
  - after January 1<sup>st</sup> of the second year after a regular election the vacancy shall be filled by appointment.(ex: for the 2022 election this would mean on or after January 1<sup>st</sup> of 2024)
  - within 90 days before voting day of a regular election the position shall remain vacant until it is filled through the regular election process.

## **PROCEDURES**

### **Procedure for Filling a Councillor's Vacancy**

- a. Advertisement
- i. Advertisement of the Vacancy: Within 1 week of the passing of resolution declaring the office being vacant and the method of filling the vacancy.
  - ii. The advertisement (Appendix 1) will run in the Nipigon Gazette in the next available issue.
  - iii. The advertisement will be posted on the Municipal Website, in the Municipal Office and community bulletin board.
  - iv. Media Release to CFNO radio advertising the vacancy and methods to follow for interested parties for their submissions.
- b. Submissions
- i. Submissions for the vacancy of a Councillor will be received on the prescribed Form attached hereto as Appendix B & C to this policy.
  - ii. Submission to be received within 2 weeks after advertisement is published in the local gazette, and on the Municipal website whichever is last
  - iii. All submissions are to be received by the Clerk/Deputy Clerk for certification of eligibility as per the requirements of the Municipal Act and the Municipal Elections Act
- c. Council Meeting
- i. At the next regularly scheduled Council meeting after the submission deadline, each nominee will be given 5 minutes to make a presentation to Council.

- ii. The order of the presentations will be determined by the names of the nominees drawn from a hat by the Clerk. Each name will be written on a piece of equal sized paper.
- iii. Each Councillor will be allowed 1 question to each nominee after each presentation.
- iv. Following the presentation Council votes by way of public vote by voting on all candidates by a show of hands.

d. Voting

- i. All nominees are voted on and in our case we would have 4 members of Council voting. The person who receives more than one half of the vote of Council will be appointed.
- ii. The successful candidate will be required to receive 3 votes from a 4 person Council.
- iii. Where the votes cast are equal for all the nominees or is less than 2/3 of Council's vote then a second vote shall be taken of the same slate of candidates. Should the votes not change then:
  - i. If there are three or more candidates remaining, Council will vote on the candidate to remain for another vote.
  - ii. If another tie is rendered the Clerk would break the tie by lot and select one candidate to be excluded.

*"Lot" means the method of determining the person **to be excluded** or the person to fill the vacancy. This will be done by placing the names of the persons on equal size pieces of paper placed in a container and a name being drawn by a person chosen by the Clerk.*

- iv. Any time during a vote person or persons who received the fewest number of votes shall be excluded from the voting and the vote will be taken again by the Chair and, if necessary, more than once, excluding in each successive vote the person or persons who receive the fewest number of votes in the preceding vote, until the person receiving the greatest number of votes has also received more than one- half of the votes of the Members of Council present and voting.
- v. If only two persons remain, and after 2 successions of voting by Council a tie still occurs, the tie shall be broken and the vacancy shall be filled by the person selected by a name drawn by the Clerk. The name drawn by the Clerk shall be declared the successful nominee.

e. Appointment

- i. Council will pass a by-law at the next regular meeting confirming the appointment of the successful person to the office for the remainder of the term of the present Council.
- ii. The successful candidate shall take the oath of office at the next regular meeting.
- iii. The successful candidate will then take his/her place at the Council table.

**Procedures for Filling the Mayor's Vacancy**

- a. Council will declare the seat of the Mayor to be vacant in accordance with the Municipal Act.
- b. The vote to appoint a member to the position of Mayor shall occur at the next regular Meeting of Council.
- c. Any Member of Council wishing to be considered for appointment to the vacancy should do so in writing and be submitted to the Clerk by 12:00 noon, five business days prior to the meeting. If in the event only one submission is received by the Clerk that candidate will be deemed to be the successful candidate to fill the vacancy.
- d. Council Meeting:
  - i. The acting Mayor should make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
  - ii. Members of Council seeking appointment (candidates) should declare a pecuniary conflict of interest (There is no loss of quorum if there are still 2 remaining Councillors) Municipal Conflict of Interest Act Section 7.1.
  - iii. If in the event all 4 members of Council wish to put forward their names then at the beginning of the meeting the opportunity for voluntary withdrawal will be given or the Clerk shall by lot, remove one candidates name and that person shall become the Chair and will no longer be included on the list of candidates.
  - iv. If a quorum under Section 7.1 is lost, the Clerk will by lot, remove a second candidate from the list of potential candidates or a candidate can voluntarily withdraw.
- e. The Clerk will provide to the Chair a list of the names of those Members of Council who have indicated in writing their interest in being appointed to the vacancy and the Chair will ask each candidate if they wish to make a presentation to Council
- f. Each of the candidates will be afforded the opportunity to address Council for a period not to exceed 5 minutes. The order of speaking to be determined in the same manner as Section 3 c).
- g. Each Member of Council not being considered for the appointment will be allowed one question to each candidate.
- h. Upon hearing the submissions, Council shall proceed to vote by way of public vote and as follows:
  - i. A Council quorum of 2 will have no more than 2 remaining candidates therefore the successful candidate will have a vote of 2 or in the event of a split vote the tie shall be broken and the vacancy shall be filled by the person selected by a name drawn by the Clerk. The name drawn by the Clerk shall be declared the successful candidate.
  - ii. Council will pass a by-law at the Special Meeting confirming the appointment of the successful person to the office for the remainder of the term of the present Council.
  - iii. The successful candidate will then take the chair.

**RELATED DOCUMENTS:**

Appendix 1 - Council Vacancy Public Notice Template

Appendix 2 - Council Vacancy Application Form

Appendix 3 – Candidate Information Release Form

## Appendix 1

### Public Notice Council Vacancy

**TAKE NOTICE** that a vacancy exists on the Township of Red Rock Council for one (1) [insert position]. Council has determined to fill this vacancy by appointment through a Call for Nominees in accordance with the Township of Red Rock's Council Vacancy Policy. The Term of this position is from the date of Council appointment for the balance of the Council term until [insert date].

A candidate for Municipal office must be a qualified municipal elector as set out in the Municipal Elections Act, 1996 and fulfill all of the following requirements:

- Resides in or be the owner or tenant of land in Township of Red Rock, or the spouse of such owner or tenant;
- Is a Canadian citizen;
- Is at least 18 years old; and,
- Is not prohibited from voting under Section 17(3) of the Municipal Elections Act, 1996 or otherwise by law.

Interested Nominees must complete a Council Vacancy Application Form and a Consent to Release Personal Information Form with the Clerk's Office. Nominations will be accepted by the Clerk's Office during regular business hours until [insert date] at 2:00 p.m.

An appointment must be scheduled with the Clerk or designate for this purpose.

Candidates may also submit to the Clerk, a personal statement of qualification for consideration of Council. Personal statements must be typewritten in a 12-point font on letter size (8 1/2 x 11") paper, shall not exceed two (2) pages in length and shall include the Candidate's name and address. Statements that do not meet these requirements shall not be included in any Council meeting agenda or provided to Council by the Clerk.

Prior to submitting an application, interested individuals should refer to the Municipal Act, 2001 and the Municipal Elections Act, 1996 for further details relating to the required qualifications. Any qualified individual may submit with identification, in person only to the Clerk or designate a Council Vacancy Application Form and a Consent to Release Personal Information Form, by 2:00 PM on [insert date] at the Municipal Office located at 42 Salls Street, Red Rock, Ontario.

Inquiries regarding this matter may be directed to:

Mark Figliomeni, Clerk  
(807) 886-2245 or [cao@redrocktownship.com](mailto:cao@redrocktownship.com)

Council Vacancy Application Forms and Consent to Release Personal Information Forms are available from the Office of the Clerk located at the address above or online at [www.redrocktownship.com](http://www.redrocktownship.com).



# RED ROCK

A Superior Treasure

Red Rock Municipal Office  
42 Salls Street, Box 447  
Red Rock, ON P0T 2P0  
(807) 886-2245

<b>NOTE</b> <ul style="list-style-type: none"> <li>A Council Vacancy Application may only be filed in person; it may <u>not</u> be faxed or e-mailed</li> <li>It is the responsibility of the person applying to file a complete and accurate application</li> </ul>		<b>Council Vacancy Application Form</b>	
<b>Council Vacancy Application of a person to be a candidate for appointment to the</b> <b>position of _____ for the Township of Red Rock</b>			
Candidate Full Name:		For the Office of:	
Candidate's full <b>qualifying address</b> within the Municipality			
Street Number:		Street Name:	
Municipality	Province	Postal Code	
Candidate's full mailing address (if different from qualifying address above)			
Street Number:		Street Name:	
Municipality	Province	Postal Code	
<b>Declaration of Qualification and Consent</b>			
I _____ the applicant mentioned in this form, declare that I am presently legally qualified to be appointed to hold the office of _____, and I consent to accept the appointment to that office, if appointed. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.			
Declared before me at the Township of Red Rock in the District of Thunder Bay this _____ day of _____, 20____.		_____ Signature of Applicant	
_____ Signature of Clerk or Commissioner			
Date Filed (yyyy/mm/dd)	Time Filed	Signature of Clerk or Designate	
<b>Certification by Clerk or Designate</b>			
I the undersigned clerk of this Municipality do hereby certify that I have examined the application of the aforesaid applicant filed with me and am satisfied that the nominee is qualified to be appointed and that the appointment complies with the Act.			
Signature		Date Filed (yyyy/mm/dd)	

**CONSENT TO RELEASE PERSONAL INFORMATION**

Municipal Freedom of Information and Protection of Privacy Act

---

Personal information on the Council Vacancy Application is collected under the authority of the *Municipal Elections Act* and will be used to assist the Clerk in the administration of the Council Vacancy.

Questions regarding this collection should be forwarded to the Clerk, Mark Figliomeni.

---

Name of Candidate: \_\_\_\_\_

Candidate for the office of:

- Mayor
- Councillor
- Trustee for English Language for Superior-Greenstone District School Board
- Trustee for English Language for the Superior North Catholic District School Board
- Trustee for French Language Separate for the Conseil Scolaire de District Catholique des Aurores Boreales
- Trustee for French Language Public for the Conseil Scolaire du District du Grand Nord De L'Ontario

I acknowledge that the Council Vacancy Application filed by me contains personal information and I am aware that the Clerk will disclose all or part of it to the general public.

\_\_\_\_\_  
Signature of Candidate

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.