



November 23, 2016

Options for Filling the Regional Councillor Seat Vacancy



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Regional Council Seat Declared Vacant by Council on November 9, 2016.

Section 263(1) of the Municipal Act: a Municipality shall fill the vacancy by appointing a person or require a by-election to be held.



On November 16, Council received (and deferred) Report No. AD-2016-0061, which presented three options for filling the vacancy: **direct appointment, recruitment or by-election**



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Option A- Direct Appointment

Whether Council will choose to appoint an individual (all Council members can vote)*



Whether Council will appoint a Member of Council or potentially a person not currently a Member of Council (all Council members can vote)

Appoint Council Member

Appoint a Council Member or a Person Other than a Council Member

Appoint a Council Member:
Presiding Officer will ask for expressions of interest from individual Council Members. If expressions of interest received, vote on appointment. Members who have declared an interest in the position will not be voting Members.

Consider Appointment of a Council Member and/or a Person Other than a Council Member: A name may be put forward by any Member of Council or through any Council members who is asked to express an interest in appointment. Any Council Member who has expressed an interest in the position shall not vote. If an appointee is chosen, the Clerk must receive verification of acceptance of the appointment and verification that the appointee is eligible in accordance with the Municipal Act (i.e. Georgina residency requirement, Canadian citizen, 18 years or older, not prohibited by Municipal Elections Act, not disqualified under the MA or any other Act from holding office).

*Prior to moving beyond this decision, Council should move to suspend the part of 7(1)(a) of the Procedural By-law to allow the Presiding Officer to make a motion or second a motion. This may be necessary if a decision under this process cannot be made with this current prohibition in place. Such a motion will only pass if 2/3 of Council vote in the affirmative (4 votes)



Appointment Procedures Options

Should Council choose to directly appoint an individual, it has been provided with two Appointment Procedures options: Preference Ranking or Direct Voting. The procedures presented differ slightly depending on whether the candidate is a current Council Member only or whether Council members will be considered with other candidates. A summary of each of the options are:



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Preference Ranking

- All candidates will be ranked by voting Members of Council according to preference. The first preference should be listed first, the second preference should be listed second, etc.
- The votes will be tallied by the Clerk during a brief Council recess.
- At the conclusion of the recess, the Clerk will announce the votes of each voting member and announce the candidate with the highest vote ranking.
- In the event of a tie, the Clerk will choose an appointee by lot.



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Direct Voting

- Once candidates are identified, Council Members will verbally announce their preference.
- If no candidate receives more than 50% of Council votes, the lowest vote earners will be eliminated and another vote will be held. The process will repeat until one person receives more than 50% of votes.
- In the event of a tie among the top two vote earners, the Clerk will choose an appointee by lot.



Option B- Recruitment

- Direct Clerk to develop application and procedures for appointment (Council, cannot, according to the Elections Act, add any conditions to a candidacy (i.e. additional age considerations, residency requirements, etc.)). Current Council Members are eligible to apply
- Clerk to verify eligibility
- Council conducts interviews
- Council votes to appoint
- Entire process must occur before January 8, 2017



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Option C- By-election

- Council must declare a by-election by January 8, 2017 (the following schedule assumes Council declares a by-election on January 6, 2017 and all events are scheduled at the maximum time allowed under the Elections Act.)
- Nomination period begins January 7, 2017 at 2:00 p.m. and ends on Nomination Day, which cannot be more than 60 days after the by-election declaration- March 7, 2017.
- If Nomination Day is March 7, 2017, the by-election must be held by **April 21, 2017**



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Reminder: 7(11) of the Town of Georgina Procedural By-law provides that “After a resolution/bylaw that determines the final outcome of a main motion has been enacted, Council may not reconsider or rescind such resolution/by-law for a period of six (6) months, except in accordance with these provisions.”

Draft Regional Council Vacancy Appointment Procedures For Council Appointment¹

Purpose

The following procedures will be used by Council in a direct appointment of an individual to fill the Regional Councillor seat vacancy.

Definitions

“Act” means the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, as amended.

“Candidate” means an individual seeking to fill the Regional Councillor seat vacancy, who meets the eligibility requirements.

“Clerk” means the Town Clerk or his/her designate.

“Council” means the Council of the Corporation of the Town of Georgina.

“Lot” means a method of determination by placing the names of the candidates on equal sized pieces of paper, placed in a container, with one candidate name being drawn by the Clerk.

“Presiding Officer” means the Member of Council presiding at the Council meeting to appoint an individual to fill the Regional Councillor seat vacancy.

Appointment Procedure

1. The Presiding Officer will ask those Council Members in attendance to identify themselves if they are interested in appointment to the Regional Councillor seat. Interested Council Members shall signify their interest by raising their hands until the Presiding Officer recognizes the Council Member.
2. Once all parties are identified, the Presiding Officer may or may not request that candidates make a brief (no more than 5 minutes) statement.
3. Members of Council will vote by way of public vote as required by the Act.

¹ *Note: These draft procedure apply only to direct appointments by Council. If Council were to decide to fill the Regional Council position by recruitment, alternate procedures will be offered for consideration.

Voting Method A- Preference Ranking

1. Candidate names will be displayed on the Council Chamber monitors in alphabetical Order.
2. Members of Council will be provided with ballot sheets and asked to list preferred candidates in order of preference. The ballot sheets must contain the name of the voting member.
3. Depending on the number of candidates, each candidate will receive a number which corresponds to the preference of voting Members of Council.
4. The candidates listed first on a ballot sheet will be given higher scores than those listed further on the ballot sheet (i.e. in order of preference, if 5 candidates, each will receive a score ranging from 5-1, if 4 candidates, each will receive a score ranging from 4-1).
3. At the conclusion of the vote, the Presiding Officer will ask for a brief recess while the Clerk tallies the vote.
4. Upon the resumption of the meeting, the Clerk will read the ballot sheets (including the Member's name) and identify the candidate with the highest total score.
5. If the vote tally results in a tie vote, the Clerk will break the tie by selecting a candidate by lot from among the highest tied vote earners.
6. The appointment of the candidate will be made by by-law.

VOTING METHOD B- Direct Voting

1. Candidate names will be displayed on the Council Chamber monitors in alphabetical order.
2. The Clerk will randomly draw the names of all Members of Council and ask them to select one candidate.
3. Members of Council will vote for one (1) candidate only and votes will be cast verbally.
4. The Clerk will tabulate the results.
5. If the candidate receiving the greatest number of votes cast does not receive more than 50% of the votes of all Member of Council, the candidate or candidates that receive the fewest number of votes will be excluded from further

consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive votes the candidate or candidates who receive the fewest number of votes. This process will be repeated until the candidate receiving the greatest number of votes has also received more than 50% the votes of the voting Members of Council.

6. Where the votes case are equal for all candidates and:
 - a. there are three or more candidates remaining, the Clerk will by lot select one such candidate to be excluded from the subsequent vote.
 - b. if only two candidates remain, the tie the Clerk will break the tie by selecting a candidate by lot.
7. Upon conclusion of the voting, the Clerk will announce the candidate receiving the votes of more than 50% of the number of the votes of the voting Members of Council or the candidate selected through the method identified in section 6(b).
8. The appointment of the candidate will be made by by-law.

Draft Regional Council Vacancy Appointment Procedures for consideration of Members of Council and Persons other than Members of Council*

Purpose

The following procedures will be used by Council in a direct appointment of an individual to fill the Regional Councillor vacancy.

Definitions

“Act” means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended.

“Candidate” means an individual seeking to fill the Regional Councillor seat vacancy having met the eligibility requirements.

“Clerk” means the Town Clerk or his designate.

“Council” means the Council of the Corporation of the Town of Georgina.

“Lot” means a method of determination by placing the names of the candidates on equal sized pieces of paper and placed in a container with one candidate name being drawn by the Clerk.

“Presiding Officer” means the Member of Council presiding at the Council meeting to appoint an individual to fill the Regional Councillor vacancy.

General

1. Any individual filing the Regional Councillor vacancy must meet the eligibility requirements of office in accordance with the Act. The requirements are:
 - 18 years of age or older;
 - A Canadian citizen;
 - A resident of the Town of Georgina, or owner or tenant of land in the Town or the spouse of such an owner or tenant; and
 - Not prohibited from voting under any other Act or from holding municipal office.
2. If an employee of the Town of Georgina is appointed to the Regional Councillor seat, the employee will be deemed to have resigned from their position with the Town immediately before making the declaration of office.

*Note: These draft procedures apply only to direct appointments by Council. If Council were to decide to fill the Regional Council position by recruitment, alternate procedures will be offered for consideration.

Appointment Procedure

1. The Presiding Officer will ask those Council Members in attendance to identify themselves should they be interested in appointment to the Regional Councillor seat. Interested Council Members shall signify interest by raising their hands until the Presiding Officer recognizes the Council Member.
2. The Presiding Officer will ask if whether any Council Member wishes to put forward a name of any other individual for appointment to the Regional Councillor seat and the Clerk shall record the name(s) of such individuals.
3. Once all parties are identified, the Presiding Officer may or may not request that candidates make a brief (no more than 5 minutes) statement.
4. Members of Council will vote by way of public vote as required by the Act.

Voting Method A- Preference Ranking

1. Candidate names will be displayed on the Council Chamber monitors in alphabetical Order.
2. Members of Council will be provided with ballot sheets and asked to list preferred candidates in order of preference. The ballot sheets must contain the name of the voting member.
3. Depending on the number of candidates, each candidate will receive a number which corresponds to the preference of voting Members of Council.
4. The candidates listed first on a ballot sheet will be given higher scores than those listed further down on the ballot sheet (i.e. if 5 candidates, each will receive a score ranging from 5-1, if 4 candidates, each will receive a score ranging from 4-1).
3. At the conclusion of the vote, the Presiding Officer will ask for a brief recess while the Clerk tallies the vote.
4. Upon the resumption of the meeting, the Clerk will read the ballot sheets (including the voting Member's name) and identify the candidate with the highest total score.
5. If the vote tally results in a tie vote, the Clerk will break the tie by selecting a candidate by lot from among the highest vote earners.
6. The appointment of the candidate will be made by by-law.

VOTING METHOD B- Direct Voting

1. Candidate names will be displayed on the Council Chamber monitors in alphabetical order.
2. The Clerk will randomly draw the names of all eligible voting Members of Council and ask them to select one candidate.
3. Members of Council will vote for one (1) candidate only and votes will be cast verbally.
4. The Clerk will tabulate the results.
5. If the candidate receiving the greatest number of votes cast does not receive more than one-half of the votes of all Member of Council, the candidate or candidates that receive the fewest number of votes will be excluded from further consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive votes the candidate or candidates who receive the fewest number of votes. This process will be repeated until the candidate receiving the greatest number of votes has also received more than one-half the votes of the voting Members of Council.
6. Where the votes case are equal for all candidates and:
 - a. There are three or more candidates remaining, the Clerk will by lot select one such candidate to be excluded from the subsequent vote.
 - b. If only two candidates remain, the tie the Clerk will break the tie by selecting a candidate by lot.
7. Upon conclusion of the voting, the Clerk will announce the candidate receiving the votes of more than one-half of the number of the votes of the voting Members of Council or the candidate selected through the method identified in section 6(b).
8. The appointment of the candidate will be made by by-law.