



# Town of Whitby

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## Procedure to Appoint an Eligible Voter to fill the Town Councillor North Ward 1 Vacancy

### A. General

1. Council shall declare the seat of the Member of Council to be vacant in accordance with the Municipal Act. **Completed**
2. To be considered for Appointment, individuals must meet all the requirements to hold office, and must not otherwise be disqualified from holding that office.
3. It is the individuals' sole responsibility to meet any deadline or otherwise comply with any requirement established by the Clerk as part of the appointment process.

### B. Notice Process

4. The Town Clerk shall post a notice on the Town website and in the local newspapers. The notice shall indicate Council's intention to appoint a person to the vacancy and outline the process any interested person must follow to become nominated. In addition, notice will be sent to any individual in the Town who has requested notice.
5. The notice will identify:
  - a) The eligibility requirements to fill the vacancy; and
  - b) Any application requirements established by the Clerk, including but not limited to:
    - i) Consent of Nominee Form
    - ii) Declaration of Qualifications Form; and
    - iii) Deadline for submissions.
6. A Candidate Information Session will be held on October 10, 2013 at the Brooklin Community Centre & Library from 7:00 pm to 9:00 pm. Clerk's staff, as well as a representative of the Ministry of Municipal Affairs and Housing will be present to answer any questions.

### C. Application and Review Process

7. All nominees must complete and sign the Consent of Nominee and Declaration of Qualifications forms, which will be provided at the Information Session. The forms will also be available in the Clerk's Office commencing

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September 24, 2013 and can be filed during normal business hours. Interested persons will be required to provide personal identification showing their name and qualifying address within the Town of Whitby.

8. Nominees may submit a resume to the Town Clerk with their Consent of Nominee and Declaration of Qualifications forms. The resume will be collected in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act and will be provided to Members of Council as a confidential submission.
9. The deadline for filing the Consent of Nominee and the Declaration of Qualifications shall be 2:00 pm on Friday, October 18, 2013 and must be filed with the Clerk.
10. Following the deadline for the submission of an application, the Clerk will certify the eligible Candidates.
11. The Clerk shall provide notice to the certified list of Candidates of the date and time for the Council meeting. Candidates may attend the Council meeting, and should be aware that the meeting will not be rescheduled due to a Candidate's conflict. Any Council agenda documentation related to Candidates will be published in alphabetical order by surname.
12. The vote to fill the vacancy by appointment shall occur at the Regular Council meeting to be held on Monday, October 28, 2013.

### **D. Nomination Procedure**

13. At the Regular Council meeting on October 28, 2013, the following shall take place:
  - a) The Chair shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
  - b) The Clerk will provide the Chair with a list of the names of those nominees who have completed the Consent of Nominee and Declaration of Qualifications. The Clerk will read out the names of all the individuals certified to be eligible for nomination (alphabetically by surname). These names constitute the official Slate of Candidates eligible for nomination.
  - c) The Chair will call for a motion from Council in the following form:

“That the following persons, who have signified in writing that they are legally qualified to hold the office of councillor and consented to accept the office if they are appointed to fill the vacancy of councillor, be considered for appointment to fill such vacancy”.
14. The rules of procedure governing Council will not apply during the appointment process.

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15. Each of the Candidates on the Slate of Candidates shall be afforded the opportunity to address Council for a period of not more than five 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. Acclamation Procedure**

16. If the Slate of Nominees includes only one (1) Nominee, the Clerk will declare the Nominee elected and a resolution or by-law will be prepared and submitted to Council for enactment.

### **F. Voting Procedure**

17. If the Slate of Nominees includes more than one (1) Nominee, rounds of voting will be conducted as follows:

- a) In accordance with Section 244 of the Municipal Act, no vote shall be taken by ballot or by any other method of secret voting.
- b) Pieces of paper with each of the nominee's names will be created by the Clerk and placed in a container provided by the Clerk. Each of these pieces of paper will be equal in size and type and will contain the name of one nominee only.
- c) The Clerk will draw the name of nominees to be voted on by Council.
- d) Council will vote on each Nominee drawn by the Clerk at the same time by way of public vote, by show of hands.
- e) Each Member of Council may vote for one (1) candidate only in each round.
- f) A round of voting means the event of going through the Slate of Nominees.

18. Rounds of voting shall continue until a Nominee has received more than one-half (1/2) of the votes of the Members of Council present, or until a tie is broken in accordance with section 19(f) of this procedure.

19. Where a round of voting does not result in a Nominee receiving more than one-half (1/2) of the votes of the Members of Council present:

- a) In any round of voting, one (1) vote shall be considered the lowest number of possible votes. Where Nominees receive zero (0) votes, they will be automatically excluded from the Slate of Nominees in the next round of voting.
- b) The Nominees with the fewest number of votes will be automatically excluded from the Slate of Nominees in the next round of voting. This could mean that in the first round of voting, those nominees receiving

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zero (0) votes and the lowest possible votes would all be removed from the Slate of Nominees for the next round of voting.

- c) The Clerk will record the votes and announce the results verbally at the end of each round of voting.
- d) The Clerk will ask if any Nominees present wish to withdraw their name from the contest after each round of voting.
- e) If only one Nominee remains and fails to receive more than one-half (1/2) of the votes of the Members of Council present, the seat will remain vacant and the Clerk will resume the process of soliciting applications for the appointment process.

### Equal Votes for All Nominees

- f) Where the votes cast are equal for all the Nominees:
  - i) If there are three or more Nominees remaining, the Clerk will draw the name of one Nominee to be excluded from the subsequent voting. In other words, the names not pulled by the Clerk continue to be eligible nominees.
  - ii) If only two (2) Nominees remain, the Clerk will break the tie by pulling the name of the unsuccessful nominee. One nominee remains and a vote will be taken. If the nominee fails to receive more than one-half (1/2) of the votes of the Members of Council present, the seat will remain vacant and the Clerk will resume the process of soliciting applications for the appointment process.

### General Voting Rules

- g) Each of the pieces of paper used by the Clerk to draw the names of Nominees will be created by the Clerk and will be equal in size and type and will contain the name of one Nominee only.
- h) Only the Clerk or the Clerk's designate may handle the pieces of paper or container referenced in this procedure.

## **G. Announcement Process**

- 22. Upon conclusion of the voting, the Clerk will declare to be elected the nominee receiving the votes of more than one-half of the number of the Members of Council present and voting.
- 23. A by-law confirming the appointment shall be enacted by Council appointing the successful nominee to the office for the remainder of the term of the present Council until November 30, 2014.

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### **For Further Information:**

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