

**Appointment Procedure for  
Filling Vacancy on Council**  
Approved by Council – June 4, 2024  
R2024-133

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## **General**

- The Clerk, or designate, shall be responsible for interpreting and, where appropriate, facilitating the appointment application process. The Clerk has the authority to make minor technical amendments to this procedure as may be required from time to time.
- Any individual filling the vacancy must be an Eligible Elector under the *Municipal Elections Act*.

## **Appointment Procedure**

### **Notice**

- An advertisement is placed on the Township of Nipissing website and on the Township notice board for two consecutive weeks after the vacancy occurs. The advertisement includes Council's intention to appoint a qualified person to fill the vacancy and the process to be followed. Communication using other methods may also be used where appropriate.

### **Application**

- Any individual wishing to be considered for appointment to fill the Council vacancy will complete and sign the Council Vacancy Application form, Council Vacancy Declaration of Qualification form approved by the Clerk, and Council Vacancy Freedom of Information (FOI) Release, and will submit the forms to the Clerk in person by the date and time established by the Clerk.
- Individuals filing the above forms will be required to provide identification showing their name and a qualifying address to the satisfaction of the Clerk.
- Once submitted, the forms will be made available to the public in the same way as a nomination form for a candidate in a municipal election.
- Applicants may also submit a personal statement of qualification for consideration of Council. Personal statements will be typewritten in a 12-point (or greater) font on letter size (8 1/2" x 11") paper, shall not exceed one page in length and will include the applicant's name and address. Statements that do not meet these requirements will not be included in any Council meeting agenda or be provided to Council by the Clerk. The Clerk's office will advise applicants of the deadline for the submission of personal statements.
- It is the applicant(s) sole responsibility to meet any deadline or otherwise comply with any requirements of this procedure.
- The Clerk will create a list of all applicants, hereinafter referred to as candidates and publish once the deadline has passed and the candidates have been Certified.

## Council Meeting

- The list of candidates will be considered at an open Council meeting. The meeting may be a regular Council meeting or a special Council meeting called for that purpose.
- Notwithstanding the requirements of the Procedural By-law, the agenda for the meeting shall be set by the Clerk to allow for the orderly proceeding of selecting a candidate, while respecting the standard agenda of a regular Council meeting if applicable.
- Copies of all application documents will be included with the agenda package for the meeting and will be made available as part of the public agenda.
- Candidates will be invited to address Council for no more than five minutes each.
- The order of speaking will be determined by lot, where the first drawn will be afforded the opportunity to speak first and so on.
- Each member of Council will be permitted to pose a maximum of two questions to each candidate.
- Upon hearing all candidate submissions, Council will proceed to vote by way of a ballot vote.
- The Clerk shall tally all votes.
  1. If the candidate receiving the greatest number of votes cast does not receive more than one-half of the votes of all voting members of Council, candidates receiving zero votes will be automatically eliminated from the voting process and;
  2. The vote will be repeated for the remaining candidates.
  3. In the event of a duplicate result of the first voting tally, each remaining candidate will be asked to answer a pre-determined question by the Head of Council with a 3 minute time limit to answer.
  4. The vote will be repeated for the remaining candidates.
  5. In the event of a duplicate result to the previous two tallies, the Clerk shall place the names of the candidates with the least amount of votes into a draw and by drawing lot, select the name of one candidate to be removed from the process.
  6. The vote will be repeated for the remaining candidates.
  7. If this result does not produce a candidate with more than one-half of the votes, the steps in step 5. will be repeated.
  8. The vote will be repeated until a candidate with more than one-half of the votes is achieved.

If only two candidates remain, the tie shall be broken and the vacancy filled by the candidate selected by lot, as conducted by the Clerk, wherein the first name drawn shall be declared the successful candidate.

- Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of voting Council members, or as provided in the event of a tie.
- A by-law confirming the appointment shall be enacted by Council to appoint the successful candidate to the office for the remainder of the term and the Clerk will administer the Oath of Office to the successful candidate at a time and date to be determined.
- The minutes of the Council meeting shall include a full disclosure of all voting results.