

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

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.



The Corporation of the Township of Nipissing
 45 Beatty Street
 Nipissing ON P0H 1W0
 Telephone 705-724-2144 Fax 705-724-5385
 www.nipissingtownship.com

NOTE <ul style="list-style-type: none"> A Council Vacancy Application may only be filed in person; it may not be faxed or e-mailed It is the responsibility of the person applying to file a complete and accurate application 		Council Vacancy Application <i>Municipal Elections Act, 1996</i>	
Instruction Please print or type information (except signatures)			
Council Vacancy Application of a person to be a candidate for appointment to the position of Councillor for the Township of Nipissing			
Candidate Full Name:		For the Office of: Councillor	
Candidate's full qualifying address within the municipality			
Street Number:		Street Name:	
City/Town	Province	Postal Code	
Candidate's full mailing address within the municipality (if different from qualifying address above)			
Street Number:		Street Name:	
City/Town	Province	Postal Code	
Declaration of Qualification			
I _____ the applicant mentioned in this form, declare that I am presently legally qualified or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate House of Commons of Canada, to be elected and to hold the office for which I have applied and 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 _____ of _____ in the _____ of _____ this _____ day of _____, 2024.		_____ Signature of Applicant (to be signed in the presence of Clerk or Designate)	
Signature of Clerk or Commissioner, etc.		Signature of Clerk or Designate	
Date Filed (yyyy/mm/dd)	Time Filed		
Certification by Clerk or Designate			
I the undersigned clerk of this municipality do hereby certify that I have examined the application of the aforesaid candidate filed with me and am satisfied that the candidate is qualified to be appointed and that the appointment complies with the Act.			
Signature		Date Filed (yyyy/mm/dd)	

2024 Council Vacancy Declaration of Qualification

I, _____ an Applicant for the office of Councillor for the balance of the 2022 – 2026 term of Council do solemnly declare that:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001* to be elected or appointed to and to hold the office of Councillor in the Township of Nipissing.

2. Without limiting the generality of paragraph 1, I am:

- at least eighteen years of age
- a Canadian citizen
- a resident of the Township of Nipissing or the owner or tenant of land in the Township of Nipissing or the spouse of such owner or tenant.

3. I am not ineligible or disqualified under the *Municipal Elections Act, 1996*, the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* or any other Act to be appointed to or hold the above-mentioned office.

4. Without limiting the generality of paragraph 3,

- I am not an employee of the Township of Nipissing, or if I am an employee of the Township of Nipissing, I am on an unpaid leave of absence as provided for by section 30 of the *Municipal Elections Act, 1996*.
- I am not a judge of any court.
- I am not a member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the Township of Nipissing prior to 4:30 p.m. on the closing date for application being December 17, 2024. I understand that the Clerk of the Town of Nipissing will reject my application for the above-mentioned office if I fail to provide proof of resignation by this deadline.
- I am not a member of the Executive Council of Ontario or a federal Minister of the Crown.
- I am not a Crown employee within the meaning of the *Public Service Act*, or if I am a Crown employee, I have followed and will continue to follow all the relevant provisions of Part III of such *Act*.

5. I am not prohibited from voting at the municipal election under subsection 17(3) of the *Municipal Elections Act, 1996*.

6. Without limiting the generality of paragraph 5,

- I am not a person who is serving a sentence of imprisonment in a penal or correctional institution.

- I am not a person who was convicted of a corrupt practice described in subsection 90(3) of the *Municipal Elections Act, 1996*, from voting in a municipal election.

7. I am not a person who was convicted of a corrupt practice under the *Municipal Elections Act, 1996* or of an offence under the Criminal Code (Canada), in connection with an act or omission with respect to a municipal election if the Voting Day in that election is less than five years prior to December 17, 2024.

8. I am not disqualified from being appointed to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the *Municipal Elections Act, 1996*. Township of Nipissing Declaration of Qualifications for Municipal Applicants – Council Vacancy Page 3 of 4 AND 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 and by virtue of the *Canada Evidence Act*.

Declared at the Township of Nipissing this _____ day of _____, 2024.

Signature of Applicant

Personal information on this form is collected under the authority of the Municipal Elections Act, 1996 and will be used for the vacancy appointment process for the Councillor office being filled and will be available for public inspection in the office of the Township of Nipissing until the next municipal election.



Council Vacancy Freedom of Information (FOI) Release

Candidate Name	Applied for Office of:
	Councillor

Note: The name of each Applicant shall be listed on the Township of Nipissing website. Applicants may choose what further information, if any is to be provided on the Township's website by completing and signing this form.

In accordance with the *Municipal Freedom of Information and Protection of Privacy Act, 1990* as amended, I hereby authorize the office of the Clerk to include on the Township of Nipissing website and make available to any person the following information with respect to my Council Vacancy Application for the balance of the 2022-2026 Term of Council:

_____ Name

_____ (Optional) Personal Statement of Qualification for Consideration, and I agree to my 1-page statement being posted publicly.

Address

Home Phone Number

Business Phone Number

Fax Number

E-Mail Address

Signature of Applicant

Date

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996*, and will be used for authorizing candidate information to be placed on the Township of Nipissing website and will be available for public inspection in the Office of the Clerk, Township of Nipissing, until the next municipal election. Questions concerning collection of personal information should be directed to the staff of the Township of Nipissing office, 45 Beatty Street, Nipissing, Ontario, P0H 1W0, 705-724-2144.



The Corporation of the Township of Nipissing
45 Beatty Street
Nipissing ON P0H 1W0
Telephone 705-724-2144 Fax 705-724-5385
www.nipissingtownship.com

December 4, 2024

Re: December 19, 2024 Speaking Schedule and Meeting Information

To: Council Vacancy Candidates

Names of Certified Candidates will be drawn randomly to determine speaking order during the December 19th Special Council meeting to allow for each candidate's presentation to Council.

Beginning at 6:30 p.m., the Mayor will open the meeting and review the speaking procedure for Council and for those in attendance and watching via YouTube livestream.

There will be a podium inside the Community Centre, please stand there when your name is drawn and you will be welcomed by Mayor Yemm and Council. You will have no more than five minutes to address Council. Each member of Council will have the opportunity to ask each Candidate two questions. Following your speaking address and answering questions from Council, please return to your seat.

Council will vote by casting a ballot, to be tallied and read by the Clerk.

The successful Candidate will be announced.

A By-Law declaring the Candidate the winner will be passed by Council.

The Oath of Office will be administered at the Special Council meeting December 19th, 2024.

The successful Candidate will be asked to attend Council Orientation training at the Township Office on Monday December 30th, 2024 and Friday January 3rd, 2025.

Thank you to all Candidates. If you have any questions regarding these procedures or meeting protocol, please contact the Office.

Kris Croskery-Hodgins
Municipal Administrator-Clerk-Treasurer