

**TOWNSHIP OF SOUTH GLENGARRY
SPECIAL MEETING OF COUNCIL
AGENDA**

Thursday, December 9, 2021, 4:30 PM
Electronic Meeting

Pages

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
Additions, Deletions or Amendments
All matters listed under For Information Only, are considered to be routine and will be enacted by one motion. Should a Council member wish an alternative action from the proposed recommendation, the Council member shall request that this matter be moved to the appropriate section at this time.
3. **DECLARATION OF PECUNIARY INTEREST**
4. **NEW BUSINESS**
 - 4.a. **Staff Reports**
 - a. Declaration of Vacant Office (K. Campeau) 2
 - b. Options for Filling Council Vacancy (K. Campeau) 4
5. **CONFIRMING BY-LAW**
 - 5.a. **Confirming By-law 102-2021** 7
6. **ADJOURNMENT**



STAFF REPORT

S.R. No. 167-2021

PREPARED BY: Kelli Campeau, Director of Corporate Services/Clerk

PREPARED FOR: Council of the Township of South Glengarry

COUNCIL DATE: December 9, 2021

SUBJECT: Declaration of Vacant Office

BACKGROUND:

1. On December 6, 2021, Administration and Council received written notification from Mayor Frank Prevost of his resignation from the office of Mayor for the Township of South Glengarry following a six-month unpaid leave of absence.

ANALYSIS:

2. Pursuant to Section 262 (1) of the *Municipal Act*, 2001, if the office of a member of council becomes vacant, the council shall declare the office to be vacant.
3. Within 60 days of declaring an office vacant, council must either:
 - a. Appoint a person to fill the vacancy; or
 - b. Pass a by-law requiring a by-election to be held.

IMPACT ON 2021 BUDGET:

N/A

ALIGNMENT WITH STRATEGIC PLAN:

N/A

RECOMMENDATION:

WHEREAS the Council of the Township of South Glengarry has received written resignation of one of its members;

AND WHEREAS pursuant to Section 262 (1) of the *Municipal Act*, Council shall declare the seat vacant;

AND WHEREAS once declared vacant, Council shall select the manner in which it shall fill the vacancy;

AND WHEREAS a report will be presented to Council at the Special Meeting of December 9, 2021 outlining the options on how to fill the vacancy;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of South Glengarry now declare the office of Mayor vacant.

**Recommended to Council for
Consideration by:
CAO – TIM MILLS**



STAFF REPORT

S.R. No. 168-2021

PREPARED BY: Kelli Campeau, Director of Corporate Services/Clerk

PREPARED FOR: Council of the Township of South Glengarry

COUNCIL DATE: December 9, 2021

SUBJECT: Options for Filling Council Vacancy

BACKGROUND:

1. On December 6, 2021, Frank Prevost resigned from the office of Mayor for the Township of South Glengarry. Council received a report and resolution to declare the office of Mayor vacant earlier in this meeting (December 9th, 2021 Special Council Meeting).
2. Pursuant to Section 262 of the *Municipal Act*, 2001 (the Act), within 60 days after the declaration of a vacancy is made, the municipality shall:
 - a. Appoint a person to fill the vacancy who has consented to accept the office if appointed and is an eligible elector in the Township of South Glengarry; or
 - b. Pass a by-law requiring a by-election to be held to fill the vacancy.
3. A person who is appointed or elected to fill a vacancy shall hold office for the remainder of the term of the person they replaced.

ANALYSIS:

4. Council may consider the following options for filling the vacant Mayor's seat:
 - a. Option A – Hold a by-election
 - b. Option B – Appoint amongst the current members of Council
 - c. Option C – Appoint a person who has consented to accept the office
5. Additional considerations for each of the options are outlined below:

OPTION A – BY-ELECTION

6. Council may choose to fill the vacant seat by holding a by-election. This process would follow a similar process as a regular election but would be solely to fill the vacant position of Mayor.

7. Though a by-election is arguably the most democratic option available, it would also present the highest cost and utilization of staff resources. If council were to proceed with a by-election utilizing Internet and telephone voting, the anticipated cost would be **\$25,500** for the e-voting systems and distribution of voter's letters alone. This figure does not include the significant staff time involved in preparing and executing an election.
8. If Council were to proceed with a by-election, the projected timeline would be as follows (dates reflect shortest possible timeframe):

Milestone	Date
Declare Seat Vacant	December 9, 2021
Pass By-law Requiring By-election	December 20, 2021
Nomination Day* (30 days after passing of by-law)	January 20, 2022
Voting Day (45 days after nomination day)	March 7, 2021
Appointment of Mayor-Elect	March 21, 2021

*Nomination day is the deadline by which an individual can put their name forward as a candidate.

9. The newly elected Mayor would then hold office until the next regular Municipal Election, which is October 24, 2022 (approximately 7-month term).

OPTION B – APPOINT AMONGST CURRENT MEMBERS

10. Council may opt to appoint a current member of council to fill the vacant Mayor's office. The appointment would have to take place within 60 days.
11. If Council chooses this option, any current member of Council can be nominated by way of a motion. The member who is nominated cannot vote during this process as it is considered a conflict of interest.
12. If a current member of Council is appointed to the Mayor's office, their seat would then be declared vacant and the process outlined in this report would be repeated until all seats are filled/appointed.

OPTION C – APPOINTMENT OF OTHER ELIGIBLE PERSON

13. The third option available to Council is to appoint an individual who is not currently a member of Council.
14. In order to be considered for an appointment, an individual must consent to accept the office and be an eligible elector in the Township of South Glengarry.

15. Council may appoint an individual of their choosing or invite expressions of interest from the community at large for their consideration. Once an individual has been selected and consents to the appointment, Council would vote on a motion to finalize the appointment.

16. As is the case with Option B, the appointment must take place within 60 days.

IMPACT ON BUDGET:

17. If Council were to proceed with Option A (by-election) the direct election cost would be approximately \$25,000, which has not been budgeted for.

18. If Council proceeds with Option B there is no impact on the budget.

19. If Council proceeds with Option C there would be minimal budget impact (cost of advertising if expressions of interest are sought).

ALIGNMENT WITH STRATEGIC PLAN:

Goal 3: Strengthen the effectiveness and efficiency of our organization.

RECOMMENDATION:

BE IT RESOLVED THAT Staff Report 168-2021 be received and that Council proceed with:

(Select One)

___ Option A and hold a by-election for the vacant office of Mayor.

___ Option B and appoint a current member of council to the office of Mayor.

___ Option C and appoint a person who is not a current member of council to the office of Mayor.

**Recommended to Council for
Consideration by:
CAO – TIM MILLS**

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW NUMBER 102-2021
FOR THE YEAR 2021**

***BEING A BY-LAW A BY-LAW TO ADOPT, CONFIRM AND RATIFY
MATTERS DEALT WITH BY RESOLUTION.***

WHEREAS s.5 (3) of the *Municipal Act, 2001*, provides that the powers of municipal corporation are to be exercised by its Council by by-law; and

AND WHEREAS it is deemed expedient that the proceedings, decisions and votes of the Council of the Corporation of the Township of South Glengarry at this meeting be confirmed and adopted by by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:**

1. **THAT** the action of the Council at its special meeting of December 9, 2021 in respect to each motion passed and taken by the Council at its meetings, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law; and;
2. **THAT** the Mayor and the proper officers of the Township of South Glengarry are hereby authorized and directed to do all things necessary to give effect to the said action, or to obtain approvals where required, and except where otherwise provided, The Mayor and the Clerk are hereby directed to execute all documents necessary in that behalf and to affix the corporate seal of the Township to all such documents.
3. **THAT** if due to the inclusion of a particular resolution or resolutions this By-law would be deemed invalid by a court of competent jurisdiction then Section 1 to this By-law shall be deemed to apply to all motions passed except those that would make this By-law invalid.
4. **THAT** where a "Confirming By-law" conflicts with other by-laws the other by-laws shall take precedence. Where a "Confirming By-law" conflicts with another "Confirming By-law" the most recent by-law shall take precedence.

***READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND
SEALED IN OPEN COUNCIL THIS 9TH DAY OF DECEMBER, 2021.***

DEPUTY MAYOR: _____

CLERK: _____