



Corporation of the Municipality of Temagami

Memo No.  
2023-M-149

**Memorandum to Council**

**Subject:** Notice of Motion – Councillor Platts

**Agenda Date:** July 13, 2023

**Attachments:** Note from Councillor Platts

**RECOMMENDATION**

BE IT RESOLVED THAT Council directs Staff to create a policy for Council's consideration governing the steps to be taken after a seat at the Council Table is declared vacant by Council Resolution.

**INFORMATION**

At the working session of Council on June 22, 2023, Councillor Platts provided a notice of motion with the intent to bring the motion above. Councillor Platts provided comments as well which are on the following page.

The Municipal Act, 2001, as amended, in Section 263 provides limited guidance when filling vacancies on Council. This is either by By-Election or by appointing a person who has consented to accept the office if appoint.

Based on the discussion around this item, if passed by Council, Staff would draft a policy with further guidance included being the next highest number of votes, amongst the candidates who were not elected in the most recent election if the vacancy occurs in the first half of the term and by advertising for interested parties if the vacancy occurs in the second half of the term. While the present term is 4 years in duration, the length of the term of Council can be altered by Provincial Legislation.

If this resolution is passed by Council, the draft policy would be available for discussion at the August Council meeting with the By-Law to entrench either at the September or October Council Sessions.

**Respectfully Submitted:**  
**Craig Davidson**  
**Treasurer/Administrator/Acting Clerk**

As per Council's Working Session last night, I would like Council to consider creating a policy that addresses the situation where a Councillor decides to resign from his/her position mid-term. Below is my Notice of Motion.

In circumstances where a Municipal Councillor resigns from their elected position, within the first 2 years of a 4 year term, administration will return to the results of the previous election and offer the vacant council position to the defeated candidate with the highest number of votes. If that candidate declines the position, the Council position will be offered to the candidate with the next highest number of votes, until all candidates who ran for election have been offered the position. If no election candidates accept the position, administration will proceed with an open, public competitive process to fill the vacant position by appointment.

If a Municipal Councillor resigns from their elected position, within the last 2 years of a 4-year term, administration will advertise the vacant position publicly and Council will select and appoint the new Councillor using a competitive process, open to all residents and in compliance with the Municipal Act.

The intent behind the above motion is to:

- recognize the commitment and desire electoral candidates demonstrated by participating in the municipal electoral process
- respect the voice of residents who exercised their democratic right to vote in the last municipal election
- avoid a costly by-election
- expedite the replacement process to fill a vacant Council position

Thank you in advance for your consideration.

Jo-Anne Platts  
Councillor  
Municipality of Temagami