



Township of
**Leeds and the
Thousand Islands**

Council Report

Meeting Date: 2025-01-13

Department: Administration

Report Number: Administration-2025-002

Submitted By: Michelle Hannah

Approved By: Stephen Donachey

Subject: Council Vacancy – Ward 2

Recommendation:

That Council declare the office of Councillor Ward 2, held by Mark Jamison, vacant; and

That Council directs staff to move forward with Option _____ as described in staff report Administration-2025-002 to fill the vacancy of the office of Councillor Ward 2.

Background:

On December 13, 2024, Councillor Mark Jamison tendered his resignation from the position of Councillor Ward 2 effective December 31, 2024.

Sections 262 and 263 of the *Municipal Act*, states:

Declaration

262 (1) If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings. 2001, c. 25, s. 262 (1).

Filling vacancies

263 (1) If a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,

(a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or

(b) require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996. 2001, c. 25, s. 263 (1).

Rules applying to filling vacancies

(5) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall,

- i. appoint a person to fill the vacancy under subsection (1) or (4), or*
- ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).”*

Analysis:

In accordance with the *Municipal Act*, Council must declare Councillor Jamison’s seat vacant at it’s next meeting, being January 13, 2025.

Within 60 days of the date of declaration of the vacancy, Council must make a decision regarding how to fill the vacancy. The *Act* does not outline how the municipality shall fill the vacancy, it is up to staff to provide options and Council to make a final determination as to how the appointment will take place.

The options that are available for Council’s consideration are described below. The options are outlined and include advantages and disadvantages as well as estimated financial implications for each and are presented in no particular or preferred order.

Option #1:

Direct Appointment by Council

This option allows Council to elect an eligible elector without an application or interview process. Council could opt to choose any eligible elector. Should Council consider this option, the Municipal Clerk would seek written confirmation of the elector’s eligibility and determine if the candidate has an interest in accepting the appointment. If the eligible elector is agreeable, Council would then appoint the individual by by-law.

The advantages to this process are, it is a short process and results in a full Council compliment sooner than any of the other options, Council can ensure that the individual chosen to represent Ward 2 has a direct connection to the Ward, minimal staff time and costs are associated with this option.

The disadvantages are, this option does not provide for any public input, and the individual may not be qualified for or interested in a position on Council.

The financial implication for this option is estimated as nominal (under \$1,000.00).

Option #2:

Appointment Through an Open Call of Qualified Applicants:

Council may appoint a new member through an open call for qualified applicants. Any eligible elector from anywhere in the Municipality may submit an application to the Municipal Clerk for review of eligibility. The Clerk will then provide all eligible applications to Council to be considered for appointment.

Attachment #1 to this report provides for guidelines of the process if this option is to be chosen.

The advantages of this option are: it allows for all eligible and interested candidates within the Municipality to have an opportunity to apply; it provides an opportunity for Council to consider an individual with a skillset that may not yet be represented on Council; and the costs associated with this option are low.

The disadvantages of this option are: it consumes a significant amount of staff time over the next two months; it does not guarantee that the individual has a direct connection to Ward 2; and it does not involve the public in the election of a new Councillor (however, does provide more public input than Option #1 as the application is open to all eligible members of the public).

The financial implication of this option is estimated to be approximately \$3,000 for advertising, any potential Special Council Meetings required and staff time.

Option #3:

Appointment of an Unsuccessful Candidate from the 2022 Election:

Council may appoint a candidate who was unsuccessful in the 2022 election. There is a total of five (5) unsuccessful candidates in the 2022 election for the three Wards.

If Council chooses Option #3, the Clerk will reach out to each unsuccessful candidate to inquire if they are still eligible, interested and willing to be appointed to Council. In the event that more than one candidate expresses interest in being appointed, the process described in Attachment 1 could be applied.

The advantages of this option are these individuals previously showed interest in a seat on Council and most likely familiarized themselves with the requirements and expectations of municipal councillors. This option also takes up minimal staffing time and costs.

The disadvantages of this option are that these individuals may no longer be eligible or available as it has been more than two years since the 2022 election. This option also does not guarantee someone with a direct connection to Ward 2 will be appointed.

The financial implication for this option is similar to Option #1, being nominal but with the possibility of Special Council meetings in the event of multiple candidates being interested.

Option #4

By-Election:

This option provides Council with the ability to pass a by-law requiring a by-election to be held to fill the vacancy. If Council so chooses to hold a by-election, a by-law must be passed regarding the details of the by-election within 60 days of the declaration of vacancy.

The *Municipal Act* requires that by-elections be conducted in the same manner as a regular municipal election. Any eligible electors may submit their nomination papers and run in by-election. Only eligible electors in Ward 2 may vote in the by-election.

Should Council decide to fill the vacancy by by-election, Section 65(4) of the *Municipal Elections Act, 1996* requires that the Clerk establish Nomination Day not more than sixty days from the day Council passes a by-law to hold a by-election, and Voting Day shall be forty-five days after Nomination Day.

If Council chooses to fill the vacancy via by-election, staff will provide Council with a subsequent report which will provide detailed timelines and costs following consultation with involved stakeholders and vendors.

The advantage of this option is that there is public participation for filling the vacancy.

The disadvantage of this option is that there is a significant cost to taxpayers, it will consume a significant amount of staff time over the next four to five months, the position will be vacant for longer than the other three options and it does not guarantee that the successful candidate has direct connections to Ward 2.

The estimated financial implications of a by-election are upwards of \$30,000 - \$40,000, including advertising, staff time to prepare and run the election, vendors for voting platforms, supplies and software costs.

Historical Council Vacancies in the Township

The Township has experienced a vacancy on Council in 2017 and 2023. In both cases the vacancy was created due to the death of a Councillor. In 2017, Council chose to appoint an unsuccessful candidate from the 2014 Municipal Election. In 2023, Council chose to receive applications from interested individuals and appoint a Councillor through an interview process.

Next Steps

Once Council has decided on the option with which they wish to proceed, this will be communicated to the public through the Township's website, social media and local

media. Staff will also commence the necessary work to carry out the Option selected by Council.

Financial Implications:

The financial implications for each option are outlined within the option. The implications range from under \$1,000 to \$40,000.

Relevant Policy or Legislation:

Municipal Act, 2001, S.O. 2001, c. 25

Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.

Strategic Plan Alignment:

Council adopted the Township of Leeds and the Thousand Islands Strategic Plan (2021-2031) at its regular meeting held on November 8, 2021. The initiative contained within this report supports the following Strategic Pillars as set out in the Strategic Plan:

- Delivering Effective and Accountable Government
- Promoting Quality of Life and Environmental Stewardship
- Growing a Liveable Community with Great Services
- Fostering Jobs and Economic Development

Consultations:

This report was reviewed in consultation with:

Stephen Donachey, CAO

Attachments:

Attachment #1 – Guidelines for Council Vacancy Appointment Procedure