

COMMUNICATION 132013

Received From: Stacey Blair, Clerk
Addressed To: Council
Date: January 26, 2021
Topic: Council Vacancy Declaration

SUMMARY

On Sunday, January 10, 2021 the Town of Carleton Place was advised of the sudden and unfortunate passing of Theresa Fritz, Councillor. The seat will be declared vacant through the recommendation as contained in this report.

BACKGROUND

Section 259(1) of *The Municipal Act, 2001*, S.O. 2001, c.25 (The Act) addresses the matter of vacant council seats. The section specifically states that the office of a member of council of a municipality becomes vacant if the member:

- (a) *becomes disqualified from holding the office of a member of council under section 256, 257 or 258;*
- (b) *fails to make the declaration of office before the deadline in section 232;*
- (c) *is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;*
- (d) *resigns from his or her office and the resignation is effective under section 260;*
- (e) *is appointed or elected to fill any vacancy in any other office on the same council;*
- (f) *has his or her office declared vacant in any judicial proceeding;*
- (g) *forfeits his or her office under this or any other Act; or*
- (h) dies, whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).**

DISCUSSION

The Act requires that if the office of a member of 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).

When a vacancy on Council does occur, the Act provides the following two options:

263(1) Filling Vacancies – *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).*

263(5) Rules applying to filling vacancies – *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).*

The matter of determining which method to use with respect to filling the declared vacancy will be brought forward to Council in a future report at a subsequent meeting of Council.

STAFF RECOMMENDATION

THAT in accordance with Section 262 of the *Municipal Act, 2001*, S.O. 2001, c. 25, Council hereby declares a seat of Councillor vacant for the Town of Carleton Place effective immediately.