

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 5, 2017

Item 24, Report No. 21, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 5, 2017, as follows:

By approving the following:

- 1) ***That the Local and Regional Councillor vacancy be filled by way of a public appointment; and***
- 2) ***That the Clerk be directed to commence the public appointment process immediately in accordance with the process set out in Communication C14 from the City Clerk, dated June 5, 2017, with a view to completing the process by June 30, 2017; and***

By receiving Communication C4, from Mr. Roger Dickinson, Donhill Crescent, Kleinburg, dated May 26, 2017.

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LOCAL AND REGIONAL COUNCILLOR VACANCY

The Committee of the Whole recommends:

- 1) **That the recommendation contained in the following report of the City Clerk, dated May 23, 2017, be approved; and**
- 2) **That staff report back to the Council meeting of June 5, 2017 with information regarding next steps and options.**

Recommendation

The City Clerk, in consultation with the Deputy City Manager, Legal and Human Resources recommends:

1. That the office of Local and Regional Councillor, formerly held by Michael Di Biase, be declared vacant in accordance with Section 262(1) of the *Municipal Act, 2001*.

Contribution to Sustainability

The *Municipal Act, 2001*, is part of a legislative framework which supports the administration and government of municipalities of Ontario, which, in turn, contributes to the sustainability of the City and good government.

Economic Impact

There will be economic impacts as a result of decisions to be made by Council in filling the Local and Regional Councilor vacancy. These will be outlined in a subsequent report which will describe the costs and considerations associated with the various options for filling the vacancy.

Communications Plan

This report will be posted on the City's website in accordance with the Procedural By-law.

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Purpose

The purpose of this report is to seek Council's declaration of a vacancy in the office of Local and Regional Councillor, resulting from the recent resignation of Deputy Mayor and Local and Regional Councillor Michael Di Biase. This report also outlines the legislative requirements for filling the vacancy in accordance with the *Municipal Act, 2001*.

Background - Analysis and Options

On May 18th, 2017, the City Clerk received a letter (attachment 1) from Deputy Mayor, Local and Regional Councillor Michael Di Biase, advising that he was resigning his seat on Council effective May 19, 2017. This meets the *Municipal Act* requirement set out in section 260(1).

Declaration of Vacancy

Where there is a vacancy in the office of a member of council, Section 262(1) of the *Municipal Act* requires that the council must declare the vacancy at their next Council meeting. Formal declaration of the vacancy will occur at the June 5, 2017 Council meeting through the adoption of the recommendation set out in this report.

Filling the Vacancy

Section 263(1) of the *Municipal Act* requires that a vacancy on Council must be filled either by appointing a person to fill the vacancy, or conducting a by-election to fill the vacancy. The only instance where the vacancy is not required to be filled is if the vacancy occurs within 90 days before voting day of the next regular election, being October 22, 2018.

Under Section 263(5) of the *Municipal Act*, Council must either appoint a person to fill the vacancy, or pass a by-law requiring a by-election to be held to fill the vacancy, within 60 days after the day a declaration of vacancy is made. Accordingly, once the declaration of the vacancy is made at the June 5, 2017 Council meeting, the last day to appoint a person or pass a by-law requiring a by-election to be held is August 4, 2017.

If Council decides to appoint an individual to fill the vacancy, the individual must be eligible to hold office in the City of Vaughan as confirmed by the City Clerk as of the date of the appointment and must consent to their appointment by Council. The *Municipal Act* does not prescribe a process to be followed in filling a vacancy by appointment. The City Clerk will provide further information on the options and considerations for undertaking an appointment process should Council choose this method of filling the vacancy.

If Council decides that a by-election is to be held, the City Clerk is responsible for setting the date of nomination day which cannot be less than 30 days and not more than 60 days after the passing of the by-law requiring the by-election. Voting day would then occur 45 days after nomination day. The *Municipal Elections Act* requires that by-elections be conducted as far as possible in the same way as regular elections. In this instance, since the vacancy is for the office of Local and Regional Councillor, costs are anticipated to be similar to a regular election as the election would be run city-wide. Other considerations include the timing of the by-election, resourcing and the requirement for Council to decide whether to authorize a contribution rebate program, similar to the provisions passed by Council for the 2014 municipal election.

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Next Steps

The City Clerk will report further outlining the options, considerations and costs associated with appointing a person to the vacant office of Local and Regional Councillor, or the holding of a by-election.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The filling of the vacancy of the office of the Local and Regional Councillor addresses the Term of Council Priority being “Continue to advance the culture of excellence in governance.”

Regional Implications

Section 259(3) of the *Municipal Act* requires that If a local municipality declares the office of one of its members who also holds office on the council of the upper-tier municipality to be vacant, the local municipality shall immediately forward a copy of its declaration to the council of the upper-tier municipality. Once Council declares the seat of Local and Regional Councillor vacant at its June 5, 2017 Council meeting, a copy of the declaration will be forwarded to the Region of York.

In addition, Section 267 (2) states that where the vacancy is for a member of council for both a local municipality and its upper tier and the vacancy will not be filled for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper tier council until the vacancy is filled permanently.

Conclusion

The *Municipal Act, 2001* sets out the legislative requirements for declaring and filling a vacancy resulting from the resignation of a Member of Council. Given the timing of the vacancy resulting from the resignation of Deputy Mayor and Local and Regional Councillor Michael Di Biase, the vacancy must be filled either through appointment or a by-election. Further reporting from the City Clerk will outline the considerations and costs associated with each of these options.

Attachments

Attachment 1 – Letter of Resignation - Deputy Mayor, Local and Regional Councillor Michael Di Biase

Report prepared by:

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Barbara A. McEwan, City Clerk, x8281

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)