



**STAFF REPORT
ACTION REQUIRED**

Vacancy in the Office of Councillor, Ward 20 Trinity-Spadina

Date:	June 2, 2014
To:	City Council
From:	City Clerk
Wards:	20

SUMMARY

Councillor Adam Vaughan has resigned the office of Councillor for Ward 20, Trinity-Spadina.

Council must officially declare the seat vacant, and within 60 days of doing so, fill the vacancy by appointing a person qualified to hold municipal office in the City of Toronto, other than a current Member of City Council.

A by-election is not permitted as the vacancy has occurred after March 31 in an election year. City Council is not permitted to leave the seat vacant for the balance of the term.

RECOMMENDATIONS

The City Clerk recommends:

1. City Council declare the office of Councillor, Ward 20 – Trinity-Spadina to be vacant.
2. City Council fill the vacancy by appointing a person qualified to hold office in the City of Toronto at a special meeting to be held on Monday, July 7, 2014 at 9:30 a.m. in the Council Chamber, in accordance with the following:
 - a. The City Clerk shall advertise the vacancy inviting any interested and qualified applicants to seek appointment to City Council.

- b. Interested persons shall complete a Consent of Nominee and Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto.
 - c. The deadline for submitting the required forms to the City Clerk shall be Friday, June 20, 2014 at 4:30 p.m.
 - d. The City Clerk shall submit a report with the list of applicants for publication on the agenda of the July 7, 2014 City Council meeting.
 - e. Each applicant shall be provided the opportunity to address City Council for up to 5 minutes.
 - f. The order in which applicants address City Council shall be determined by lot drawn by the City Clerk when City Council begins its debate on the item.
 - g. Members of City Council shall be entitled to ask one question of each candidate.
 - h. City Council shall vote on the appointment by ballot in accordance with the Council Procedures.
 - i. City Council shall enact a by-law confirming the appointment of the successful candidate to the office for the remainder of the term of the present Council.
3. City Council waive the requirements of the Council Procedures for the City Clerk to canvass Members for their interest in appointments to vacancies on committees and boards, and instead proceed to appoint a Member to fill the vacancy on the Disability Issues Committee at the same meeting at which this report is considered.

Financial Impact

The filling of the vacancy by appointment can be administered within the approved 2014 budget of the City Clerk's Office.

ISSUE BACKGROUND

Councillor Adam Vaughan has resigned from the office of Councillor for Ward 20, Trinity-Spadina. Council must officially declare the seat vacant, and within 60 days of doing so, fill the vacancy by appointing a person qualified to hold municipal office in the City of Toronto, other than a current Member of City Council.

COMMENTS

City Council must fill the vacancy by appointing a person qualified to hold municipal office in the City of Toronto, other than a current Member of City Council.

To be qualified to hold office, a person must consent to accept the appointment and be:

- 18 years of age or older
- a Canadian citizen
- a resident of the City of Toronto, or an owner or tenant of land in the City or the spouse of such an owner or tenant
- not prohibited from voting under any Act or from holding municipal office

City Council must fill the vacancy by appointment

City Council has no option but to fill the vacancy by appointment.

The Municipal Elections Act does not permit a by-election to be held for vacancies arising after March 31 in an election year.

City Council may not allow the office to remain vacant until the end of the term. It can do so if the vacancy occurs within 90 days of Election Day, however the Ward 20 vacancy has occurred well before the 90-day mark.

City Council must fill the vacancy within 60 days

The City of Toronto Act requires City Council to fill a vacancy within 60 days of declaring it vacant. If City Council declares the office vacant at its meeting of June 10-11, it must therefore fill the vacancy by August 9 or 10, 2014.

City Council must adopt an appointment process

The legislation does not prescribe the process to make appointments, leaving it up to City Council to establish it.

City Council has traditionally invited applications from any interested qualified elector to be considered for Council vacancies. City Council has provided candidates the opportunity to address City Council and be questioned before it votes.

A shortened process is recommended

As there are only 2 cycles of committee and Council meetings remaining after the June meeting, City Council should proceed quickly to fill the vacancy to minimize the period of time the residents of Ward 20 are unrepresented.

In some cases City Council has included a preliminary round of presentations at the respective community council before City Council consideration. In the interests of time, the City Clerk is recommending City Council condense the process from a two-stage to single-stage process.

The key features of the recommended process are as follows:

- City Council will make the appointment at a special meeting to be called for July 7, 2014.
- The deadline for required documents to be submitted to the City Clerk will be June 20, 2014 at 4:30 p.m.
- Applicants will be provided the opportunity to address City Council for up to 5 minutes each
- Members will be entitled to ask each presenter one question.
- City Council will vote by ballot using the balloting procedures in the Council Procedures.
- There will be no preliminary round of presentations at or debate by community council.

Alternatives considered

There are some variations on the appointment process considered but not recommended in this report:

- Community Council Interviews – A preliminary review of candidates could be conducted by the Toronto and East York Community Council as was done for the recent Ward 3 vacancy. However, this cannot likely be completed in time for the July 2014 meeting.
- Nominations by Members – City Council could dispense with the advertising and application process and instead bring nominations directly to the floor.

Committee vacancies arising from the resignation

Councillor Vaughan's resignation creates vacancies on various standing committees, local boards and external organizations to which he was appointed by City Council.

The City Clerk will report on the options for filling these vacancies at the same time City Council fills the vacancy for action at that time.

However, City Council should take immediate steps to fill the resulting vacancy on the Disability Issues Committee. The composition of the committee includes one Member of Council who serves as chair. The next scheduled meeting of the committee is on June 27, 2014. City Council should appoint a Member now to fill this vacancy so that a Chair may be in place before the meeting.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Attachment 1 – Balloting Rules contained in Appendix A-II to Municipal Code Chapter 27, Council Procedures, as applicable

Attachment 1

Balloting Rules contained in Appendix A-II to Municipal Code Chapter 27, Council Procedures, as applicable

[Note: Parts A to F do not apply]

G. Members vote for one nominee and sign ballot.

Using the ballot, a member votes for only one nominee, signs the ballot and prints his or her name on the ballot.

H. Balloting results public.

All ballot results are public.

I. Announcing ballot results and members' votes.

The Chair announces the results of the ballot, and if requested, announces the individual ballot results and the name of the member casting the ballot.

J. When most votes do not make a majority.

If the nominee with the most votes does not receive the votes of a majority of the members present, Council conducts another ballot in accordance with Subsections G, H, I and K.

K. Steps to exclude nominees with few or no votes or tie votes.

The next ballot excludes the nominees with the fewest votes and any nominee with no votes. If two or more nominees are tied with the fewest votes, the Chair selects the nominee or nominees who advance to the next ballot by the following method:

A. The names of the tied nominees are placed on sheets of paper of equal size, and the paper are folded in half and placed in a box; and

B. The Chair pulls one or more pages with the name or names of the nominee or nominees who advance to the next ballot from the box.

L. Votes to find a candidate with the most votes and then a majority vote.

Balloting continues in accordance with Subsections G., H, I and K until one nominee receives both the most votes and a majority of votes.

M. Steps for when remaining nominees are tied.

If after the steps set out in Subsection L only two nominees remain and the votes for the two remaining nominees are tied, the Chair selects the winner by the following method:

A. The names of each of the two remaining nominees are placed on two sheets of paper of equal size, and the papers are folded in half and placed in a box; and

B. The Chair pulls the name of one nominee from the box, and that nominee is declared the winner.