

## **Declaring the Office of Councillor, Ward 33 - Don Valley East Vacant and Deciding the Rules for Appointing a Replacement**

**Date:** April 16, 2018  
**To:** City Council  
**From:** City Clerk  
**Wards:** 33 - Don Valley East

### **SUMMARY**

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Councillor Shelley Carroll has resigned City Council effective April 5, 2018. City Council needs to officially declare her seat vacant and approve a process for the appointment of a replacement.

### **RECOMMENDATIONS**

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The City Clerk recommends that:

1. City Council declare a vacancy in the office of Councillor, Ward 33 – Don Valley East.
2. City Council reschedule its next regular meeting to start on Wednesday, May 23, 2018 and hold a special meeting on Tuesday, May 22 at 9:30 a.m. in the Council Chamber to fill the Ward 33 vacancy by appointment.
3. City Council fill the vacancy in accordance with the following:
  - a. the City Clerk advertises the vacancy inviting any interested and qualified applicants to seek appointment to City Council;
  - b. interested persons complete a Consent of Nominee and Acknowledgement of Qualifications 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 is Monday, May 14 at 4:30 p.m.;

- d. the City Clerk submits a report with the list of applicants for publication on the agenda of the May 22, 2018 City Council meeting;
- e. each applicant is provided the opportunity to address City Council for up to 5 minutes;
- f. the order in which applicants address City Council is determined by lot drawn by the City Clerk when City Council begins its debate on the item;
- g. Members of City Council are entitled to ask one question of each candidate;
- h. City Council votes on the appointment by ballot in accordance with the Council Procedures; and
- i. City Council enacts a by-law confirming the appointment of the successful candidate to the office for the remainder of the term of the present Council.

## **FINANCIAL IMPACT**

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The costs to advertise and recruit a qualified elector for appointment to Council are minimal and can be absorbed by the City Clerk's Office budget.

## **DECISION HISTORY**

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Not applicable.

## **COMMENTS**

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### **City Council must declare the seat vacant**

Under the City of Toronto Act, if a seat becomes vacant due to resignation, City Council must declare the seat vacant at its next scheduled meeting.

### **City Council must fill the vacancy by appointment**

Under the City of Toronto Act, City Council must fill any vacancy that occurs more than 90 days before the election. After that date (July 24, 2018) filling any vacancies that occur is optional.

The City of Toronto Act requires the seat to be filled no later than 60 days after declaring the seat vacant (i.e., June 25, 2018 in the case of a declaration made at this meeting).

### **City Council cannot fill the vacancy by by-election**

Under the Municipal Elections Act, no by-election may be held for a seat that becomes vacant after March 31 in an election year.

## **City Council can use its usual appointment process to fill the vacancy by appointment**

To be qualified to hold office, a person must 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 be prohibited from holding municipal office or from voting under any Act.

However, the legislation does not provide the process that City Council must follow to fill the vacancy.

Recommendation 3 sets out the process Council has used for appointments in recent years. For example it is the process City Council has followed for the most recent appointments in 2017 for Ward 44 and Ward 28 and in 2014 for Ward 5 and Ward 20.

If City Council adopts this process, the City Clerk will advertise to invite applications from qualified electors for consideration by the City Council at a special meeting to be held at 9:30 a.m. on May 22, 2018.

To accommodate the proposed schedule, Council's regular meeting will be rescheduled to start on Wednesday, May 23, 2018.

### **There are several resulting committee and board vacancies**

As a result of the resignation of Councillor Carroll, there are a number of vacancies on City committees and boards.

- North York Community Council
- Budget Committee
- Parks and Environment Committee

In addition, Councillor Carroll was the Deputy Speaker. That vacancy will be filled at the April Council meeting as a separate matter.

The incoming Councillor for Ward 33 will become a member of the North York Community Council, by virtue of office.

Customarily when vacancies occur, City Council appoints the incoming Councillor to the resulting standing committee vacancy, in keeping with the requirement of the Council Procedures that every Member is required to sit on at least one standing committee.

Councillor Carroll was a member of the Toronto Police Services Board until her resignation from the board on March 26, 2018. City Council appointed Councillor Jim Hart to fill that vacancy on March 27, 2018.

**CONTACT**

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**SIGNATURE**

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City Clerk