



REPORT FOR ACTION

Vacancy in the Office of Councillor, Ward 41, Scarborough-Rouge Review and Contingency Plan for Any Further Vacancies

Date: May 14, 2018
To: City Council
From: City Clerk
Wards: 33 - Don Valley East

SUMMARY

Councillor Chin Lee has resigned City Council effective May 8, 2018. City Council needs to officially declare his seat vacant and approve a process for the appointment of a replacement.

An additional vacancy may arise depending on the outcome of the Ontario General Election on June 7, 2018 and Council may wish to make additional contingency plans.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council declare a vacancy in the office of Councillor, Ward 41, Scarborough-Rouge River.
2. If another vacancy on Council occurs before the next meeting of City Council:
 - a. City Council authorize the City Clerk to seek applications from interested persons for appointment to that office concurrent with the process for Ward 41 as described below.
 - b. If City Council is in a position to declare any other office vacant on or before the day of the meeting scheduled to appoint a Ward 41 Councillor, Council do so, consider the candidates, and fill any other vacancy at the same meeting using the same rules and process.
3. City Council schedule a special meeting to consider the appointment matters for Tuesday, June 26, 2018 at 9:30 a.m. and reschedule the regular meeting to start at 2:00 p.m. on the same day, Tuesday, June 26, 2018.

4. 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 Tuesday, June 19 at 4:30 p.m.;
- d. the City Clerk submits a report with the list of applicants for publication on the agenda of the June 26, 2018 special 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

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

Councillor Chin Lee resigned from City Council effective May 8, 2018.

COMMENTS

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., August 22, 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 4 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 of City Council to be held at 9:30 a.m. on Tuesday June 26. The regular meeting of Council scheduled for the same date and time will be rescheduled to start at 2:00 p.m. the same day, June 26, 2018.

There are several resulting committee and board vacancies

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

- Affordable Housing Committee
- Audit Committee
- Civic Appointments Committee
- Employee and Labour Relations Committee
- Nominating Panel – Environmental

- Public Works and Infrastructure Committee
- Striking Committee
- Tribunals Nominating Panel

The incoming Councillor for Ward 41 will become a member of the Scarborough 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.

The results of a canvass of Members for their interest in filling these vacancies, except for Public Works and Infrastructure Committee, are being reported to the same meeting under separate cover.

Council should adopt a contingency in case further vacancies occur

As there will only be two regular Council meetings after this meeting, City Council should consider authorizing the City Clerk to seek candidates for any other vacancies that might occur before the next meeting of Council.

For example, Deputy Mayor Denzil Minnan-Wong is currently seeking election to the Legislative Assembly of Ontario in the general election on June 7, 2018. By authorizing the City Clerk to seek candidates for appointment to his Ward 34 office now, Council could make appointments for Ward 41 and Ward 34 at the same meeting in June and avoid waiting until June to start to the recruitment process.

City Council adopted similar instructions to the City Clerk in 2014 during the 2014 Ontario general election.

CONTACT

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SIGNATURE

City Clerk