

Vacancies in the Offices of Councillor, Ward 10, Spadina-Fort York and Ward 13, Toronto Centre, and Contingency Plan for Any Further Vacancies

Date: May 4, 2022

To: City Council

From: City Clerk

Wards: Ward 10 - Spadina-Fort York and Ward 13 - Toronto Centre

SUMMARY

Councillor Joe Cressy has resigned from City Council effective April 30, 2022. Councillor Kristyn Wong-Tam has resigned from City Council effective May 4, 2022. City Council needs to officially declare these two seats vacant and approve a process for the appointment of replacements.

A further vacancy may arise depending on the outcome of the Ontario General Election on June 2, 2022. City Council should authorize additional contingency plans.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council declare a vacancy in the office of Councillor, Ward 10, Spadina-Fort York.
2. City Council declare a vacancy in the office of Councillor, Ward 13, Toronto Centre.
3. City Council schedule a special meeting for Wednesday, June 1, 2022, at 9:30 a.m. to make appointments to the offices of Wards 10 and 13.
4. City Council fill the vacancies in Wards 10 and 13 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 Wednesday, May 25, 2022 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 1, 2022 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 procedures established by the City Clerk; and

i. City Council enacts a by-law confirming the appointment of the successful candidates to the offices for the remainder of the term of the present Council.

5. 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;

b. City Council hold a special meeting to be scheduled at the call of the Mayor, if required, to make an appointment to that office;

c. City Council fill the vacancy using the same process outlined in Recommendation 4 above, with the following revisions:

1. the City Clerk is authorized to establish the deadline for submitting the required forms to the City Clerk;

2. the City Clerk submits a report with the list of applicants for publication on the agenda of the special City Council meeting; and

3. If City Council is in a position to declare any other office vacant on or before the day of the special meeting scheduled to fill an additional vacancy, Council do so.

FINANCIAL IMPACT

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

DECISION HISTORY

Councillors Joe Cressy and Kristyn Wong-Tam have resigned from City Council effective April 30, 2022 and May 4, 2022, respectively.

COMMENTS

City Council must declare the seats 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 vacancies

Under the City of Toronto Act, 2006, City Council must fill any vacancy that occurs more than 90 days before the election. After that date (July 26, 2022) filling any vacancies that occur is optional.

The City of Toronto Act, 2006 also requires that seats be filled no later than 60 days after they have been declared vacant, which is July 11, 2022 in the case of a declarations made at this meeting.

City Council must appoint, it 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 31st 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.
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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.

If City Council adopts this process, the City Clerk will advertise to invite applications from qualified electors for consideration by City Council at a special meeting to be held at 9:30 a.m. on Wednesday, June 1, 2022.

There are several resulting committee and board vacancies

As a result of the resignations of Councillor Joe Cressy and Councillor Kristyn Wong-Tam there are a number of vacancies on City committees and boards.

- Board of Health (2 vacancies)
- Campbell House Board of Management
- Economic and Community Development Committee
- Exhibition Place Board of Governors
- Harbourfront Centre Board of Directors
- Planning and Housing Committee
- TO Live Board of Directors, Ward 13 (Ward Councillor can elect to take seat)
- Toronto Accessibility Advisory Committee, Chair
- Two-Spirit, Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (Chair)
- Waterfront Revitalization Corporation (Waterfront Toronto) as the Mayor's designate

The incoming Councillors for Ward 10 and 13 will become members of the Toronto and East York Community Council by virtue of office. They will also assume various ward based appointments by virtue of office, such as Arena Boards, Business Improvement Area Boards and Community Centre Boards.

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 City Clerk would also canvass Members for their interest in appointment to the other vacancies and report the results to the Striking Committee. Given the lateness in the term, Council may wish to consider making appointments to fill some of these vacancies at this meeting.

Council should adopt a contingency in case further vacancies occur

City Council should consider authorizing the City Clerk to seek candidates for any other vacancies that might occur before the next meeting of Council.

Councillor Michael Ford is currently seeking election to the Legislative Assembly of Ontario in the general election on June 2, 2022. By authorizing the City Clerk to seek candidates for appointment to the Ward 1 office should a vacancy arise, a recruitment process could get underway immediately so that Council could fill the vacancy at a special meeting to be called by the Mayor, if required.

City Council adopted similar instructions to the City Clerk in 2018 during the 2018 Ontario general election.

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SIGNATURE

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