

The Corporation of the Township of North Huron

By-law No. 56-2025

Being a by-law to adopt a Council Vacancy Policy for the Corporation of the Township of North Huron

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The Corporation of the Township of North Huron

By-law No. 56-2025

Being a by-law to adopt a Council Vacancy Policy for the Corporation of the Township of North Huron

WHEREAS Section 5(3) of the Municipal Act, S.O. 2001, c.25, as amended, provides that municipal power shall be exercised by by-law;

AND WHEREAS the Council of the Corporation of the Township of North Huron is desirous of adopting a Council Vacancy Policy;

NOW THEREFORE the Council of the Corporation of the Township of North Huron ENACTS as follows:

1. That the Council Vacancy Policy attached hereto as Schedule "A" is hereby adopted and shall form part of this by-law.
2. That this by-law shall come into force and takes effect on the day of the final passing thereof.

Read a first and second time this 11th day of August, 2025.

Read a third time and passed this 11th day of August, 2025.

CORPORATE SEAL

Paul Heffer, Reeve

Carson Lamb, Clerk

Township of North Huron

Council Vacancy Policy



1. Purpose

The purpose of this Policy is to provide for an accountable and transparent process for the filling of Council vacancies which may occur during a term of office.

In accordance with the Municipal Act, S.O. 2001, c.25, when the seat of a Member of Council becomes vacant during the term of office, Council may fill the vacancy by requiring a by-election to be held in accordance with the Municipal Elections Act, S.O. 1996, c.32, or by appointing a person who has consented to accept the office if appointed.

2. Scope

This Policy applies to any Council office declared vacant on the Township of North Huron Council during the term of Council.

3. Definitions

- 3.1. **"Act"** shall mean the Municipal Act, S.O. 2001, c. 25, as amended.
- 3.2. **"Appointment"** shall mean the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council for the remainder of the current Term of Council.
- 3.3. **"By-Election"** shall mean a municipal election, other than a regular election, held to fill a vacancy on Council that is conducted in accordance with the Municipal Elections Act.
- 3.4. **"Candidate"** shall mean an individual seeking to be appointed to fill a vacancy on Council, having met the eligibility requirements and who has completed the requisite documentation as required by this Policy.
- 3.5. **"Clerk"** shall mean the duly appointed Clerk of the Corporation of the Township of North Huron, or their designate.
- 3.6. **"Council"** shall mean the Council of the Corporation of the Township of North Huron.
- 3.7. **"Delegation"** shall mean a person or group of people who address Council or a Committee by attending a Meeting for the purpose of making a presentation.
- 3.8. **"Deputy Reeve"** shall mean the Member of Council duly elected under the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended, to represent the

electors of the Township of North Huron and to act in the absence of the Head of Council in accordance with this By-law.

- 3.9. **"Eligible (Eligible Elector)"** has the same meaning as defined in the Act, namely a person:
- a. Who is a resident of the Township of North Huron, or owner or tenant of land in the Township or a spouse of such owner or tenant;
 - b. Who is a Canadian Citizen;
 - c. Who is at least eighteen (18) years old; and
 - d. Who is not prohibited from voting under any other Act or from holding municipal office.
- 3.10. **"Head of Council"** shall mean the Member of Council who is duly elected under the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended, as the Head of Council and will represent the Township and, in accordance with the Act, is the Chief Executive Officer of the Township.
- 3.11. **"Lot"** shall mean a method of determination by placing the names of Candidates on equal sizes of paper in a container with one name being drawn by the Clerk or designate.
- 3.12. **"Municipal Elections Act"** shall mean the Municipal Elections Act, S.O. 1996, c.32, as amended.
- 3.13. **"Regular Election Year"** shall mean the year established for a regular municipal election in accordance with the Municipal Elections Act.
- 3.14. **"Term of Office"** means the period of time a Member is elected to hold office for which they are elected in accordance with the Municipal Elections Act, 1996, as amended.
- 3.15. **"Vacancy"** shall mean when a seat on Council has become vacant in a manner described by the Act.

4. Responsibility

- 4.1. Members of Council are responsible for the adoption and application of this Policy.
- 4.2. The Clerk or designate shall be responsible for the administration and interpretation of this Policy and where appropriate, administering the procedures established in this Policy.

- 4.3. The Clerk or designate shall be responsible for conducting any By-Election in accordance with the Municipal Elections Act and all applicable policies and procedures.

5. General

- 5.1. Council is required to declare a seat vacant in accordance with Section 262(1) of the Act.
- 5.2. Council shall determine the process to fill the vacancy in accordance with the Act:
- 5.2.1. In the case of the office of the Head of Council, in accordance with Section 284.12 of the Act, a by-election shall be held in accordance with the Municipal Elections Act to fill the vacancy, unless:
- The vacancy occurs within ninety (90) days before voting day of a Regular Election. In this scenario, the municipality is not required to fill the vacancy;
 - The vacancy occurs after March 31st in the year of a Regular Election. In this scenario, the municipality shall fill the vacancy by appointing a person who has consented to accept the office if appointed.
- 5.2.2. In the case of the office of a Councillor, Council shall determine whether to fill the vacancy by either:
- Appointing a person who has consented to accept the office if appointed; or
 - Passing a by-law requiring a By-Election to be held to fill the vacancy.
 - Exceptions to Section 263 of the Act include:
 - Section 65(2) of the Municipal Elections Act where no By-Election shall be held to fill an office if the vacancy occurs after March 31st in the Regular Election Year; and
 - Section 263(5)(b) if a vacancy occurs within 90 days before voting day of a Regular Election, as the municipality is not required to fill the vacancy.
- 5.3. The vote to appoint a Member to the vacancy shall occur at an open Special Meeting of Council.
- 5.4. In making its determination, Council will consider the cost and timelines associated with filling a vacancy by Appointment or By-Election.
- 5.5. Council may waive the requirements of this Policy at any time, requiring a majority vote to carry.

5.6. Appointment procedures with respect to this Policy are contained within this Policy as:

- Appendix A – Appointment Procedure to Fill a Vacancy in the Office of the Head of Council
- Appendix B – Appointment Procedure to Fill a Vacancy in the Office of Councillor

6. Eligibility Requirements

- 6.1. Any individual filling a vacancy must meet the eligibility requirements of the office as outlined in the Act and the Municipal Elections Act as an Eligible Elector.
- 6.2. If an employee of the Township of North Huron seeks Appointment or By-Election to Council, the employee shall give written notice, in advance, of their intention to take a paid leave. If the employee is Appointed, they will be deemed to have resigned from their position with the Township immediately before making the legislated declaration of office.

7. Policy

7.1. Filling a Vacancy by Appointment

- 7.1.1. Office of the Head of Council: If a vacancy in the office of the Head of Council is to be filled by Appointment, Council may choose to fill the vacancy by appointing:
- The Deputy Reeve; or
 - A current member of Council, in accordance with the Act; or
 - The Candidate from the previous election who ran for the position that is vacant, who received the next greatest number of votes but was not elected; or
 - Any qualified individual in accordance with the Act.
- 7.1.2. Office of Councillor: If a vacancy for the office of Councillor is to be filled by Appointment, Council may choose to fill the vacancy by either:
- Appointing the Candidate from the previous election who ran for the position that is vacant, who received the next greatest number of votes but was not elected; or
 - Conducting an open call for individuals for consideration by Council through a public Appointment process.

7.2. Filling a Vacancy by By-Election: If a vacancy for either the Office of Head of Council or Councillor is to be filled by By-Election:

7.2.1. Council shall first consider filling the vacancy by the Appointment options outlined in Section 7.1 of this Policy.

7.2.2. If the vacancy cannot be filled by an Appointment, Council shall then:

- Within sixty (60) days of declaring the seat vacant, pass a by-law to fill the vacancy by By-election;
- A By-Election shall be held in accordance with the Municipal Elections Act; and
- The Clerk or designate shall be responsible for conducting the By-Election in accordance with the Municipal Elections Act and all applicable policies and procedures.

Appendix "A"
Council Vacancy Policy
Appointment Procedure to Fill Council Vacancy in the Office of the Head of Council

The Clerk or designate has the authority to make minor technical amendments to these procedures as may be required from time to time.

Where a situation occurs that is not otherwise accounted for in these procedures, the Clerk shall recommend an alternate process to Council, which may be adopted with a simple majority vote of Council.

1. Subject to regulations, if any, if a vacancy in the Office of the Head of Council occurs after March 31st in the year of a Regular Election, the municipality shall fill the vacancy by appointing a person who has consented to accept the office, if appointed. For any vacancy prior to March 31st in the year of a Regular Election, a by-election shall be required.
2. The vote to appoint a sitting Council member to the position of Head of Council shall occur at a Special Council meeting which is open to the public.
3. Delegations, are permitted at the Special Meeting to appoint, but only in written form. No in-person or oral presentations may be made at this meeting.
4. If the Deputy Reeve wishes to be considered for Appointment to the vacancy they shall advise the Clerk by Noon, five (5) business days prior to the Special Meeting of Council.
5. Any member of Council wishing to be considered for Appointment to the vacancy shall advise the Clerk in writing by Noon, five (5) business days prior to the Special Council meeting.
6. If there are no members of Council who advise the Clerk that they wish to be considered, Council may fill the vacancy by Appointment from previous election candidates as set out in Appendix B of this Policy.
7. If there are no previous election candidates as set out in Appendix B of this Policy, Council may fill the vacancy by public appointment process as set out in Appendix B of this Policy.
8. If the Deputy Reeve and/or members of Council advise the Clerk that they wish to be considered, the following shall take place at the Special Council meeting:

- a. The chair shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
 - b. The Clerk will provide the chair with a list of names of those members of Council who have indicated in writing their interest in being appointed to the vacancy and the chair will call for a motion from Council in the following form:
"THAT the following Candidates, who have signified in writing their interest in being appointed to the Office of Head of Council, be considered for Appointment to fill such vacancy."
9. If the Deputy Reeve is among the candidates being considered, the Deputy Reeve shall be considered first using the following process:
 - a. The Deputy Reeve shall be afforded the opportunity to address Council for a period of not more than five (5) minutes.
 - b. Each member of Council not being considered for the Appointment will be allowed no more than one question to the Deputy Reeve.
 - c. Upon hearing the submission of the Deputy Reeve, Council will proceed to vote as follows:
 - i. Members of Council will vote by way of public vote;
 - ii. If the Deputy Reeve does not receive more than one-half of the votes of all voting members of Council, the Deputy Reeve shall not be elected as Reeve and Council will proceed in accordance with Section 10 of this Appendix.
 - iii. If the Deputy Reeve does receive more than one-half of the votes of all voting members of Council, the Clerk shall declare the Deputy Reeve as elected and proceed as required in Section 10e and 10f.
10. Members of Council who advise the Clerk that they wish to be considered, the following shall take place at the Special Council meeting:
 - a. Each of the Candidates shall be afforded the opportunity to address Council for a period of not more than five (5) minutes. The order of speaking will be determined by Lot.
 - b. Each Member of Council not being considered for the Appointment will be allowed no more than one question to each Candidate.
 - c. Upon hearing all the submissions of the Candidates, Council will proceed to vote as follows:
 - i. Members of Council will vote by way of public vote;
 - ii. If there is only one Candidate and that Candidate does not receive more than one-half of the votes of all voting members of Council, the Candidate shall not be elected, and the Council shall fill the vacancy by Appointment from previous election Candidates as set out in Appendix B of this Policy.

- iii. If there is more than one Candidate, and the Candidate receiving the greatest number of votes cast does not receive more than one-half of the votes of all voting members of Council, the Candidates or Candidates who received the fewest number of votes shall be excluded from consideration. The vote will be taken again by the Clerk, and if necessary, more than once, excluding in each successive vote, the Candidate or Candidates who receive the fewest number of votes. This shall be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.
- iv. Where there is more than one Candidate, and the votes cast are equal for all Candidates:
 - 1. If there are three (3) or more Candidates remaining, the Clerk shall, by Lot, select one such Candidate to be excluded from the subsequent voting;
 - 2. If only two (2) Candidates remain, the tie shall be broken and the vacancy shall be filled by the Candidate selected by Lot, as conducted by the Clerk.
- d. Upon conclusion of the voting and/or drawing of Lots, the Clerk will declare the successful Candidate.
- e. A by-law confirming the Appointment shall be enacted by Council appointing the successful Candidate to the Office of Head of Council for the remainder of the Term of Office of the present Council.
- f. The Clerk shall administer the Declaration of Office required by Section 232(1) of the Act, at the meeting where the Appointment by-law is enacted by Council, or as directed by Council.

Appendix B
Council Vacancy Policy
Appointment Procedure to Fill Council Vacancy in the Office of Councillor

The Clerk or designate has the authority to make minor technical amendments to these procedures as may be required from time to time.

Where a situation occurs that is not otherwise accounted for in these procedures, the Clerk shall recommend an alternate process to Council, which Council may adopt with a simple majority vote.

Appointment from Previous Election Candidates

1. The Clerk shall provide Council with a staff report including:
 - a. The details regarding the results of the most recent election for the vacant office.
 - b. Information regarding whether the Candidate who received the next greatest number of votes to those who were elected, would be Eligible, agreeable and able to fill the vacancy.
 - c. If the Candidate who received the next greatest number of votes to those who were elected is Eligible, agreeable and able to fill the vacancy Council will pass a resolution that the person shall be appointed to fill the vacancy.
 - d. A by-law confirming the Appointment shall be enacted by Council appointing the successful Candidate to the Office of Councillor for the remainder of the Term of Office of the present Council.
 - e. The Clerk shall administer the Declaration of Office required by section 232(1) of the Act, at the meeting where the Appointment by-law is enacted by Council, or as directed by Council.
2. The vote to appoint a Member to the position of Councillor from previous election Candidates shall be held within sixty (60) days from the declaration of the vacancy and shall occur at a Special Council meeting open to the public.

Appointment by Public Appointment Process

1. Within sixty (60) days of declaring a seat vacant, Council shall appoint a new member by by-law.
2. Notice:
 - a. The Clerk shall post a notice of vacancy in the form and method determined by the Clerk, for at least fourteen calendar (14) days. The notice shall indicate Council's intention to appoint an individual to fill a vacancy, the requirements to be considered for an Appointment, and the application process.

3. Application:

- a. Any individual wishing to be considered for Appointment to fill the Council vacancy will complete and sign a Council Appointment Consent of Nominee Form and Declaration of Qualification Form as determined by the Clerk. Applications for the vacant seat may be filed with the Clerk commencing at 8:30AM on the day following Council's decision to utilize the public Appointment process to fill the vacancy. Candidates shall submit forms to the Clerk in-person by the deadline as established by the Clerk.
- b. Any individual wishing to be considered for Appointment to fill the Council vacancy will be required to provide identification to prove their identity and qualifying address to the satisfaction of the Clerk.
- c. Candidates may submit a personal statement of qualifications, to a maximum of ten (10) pages in length, with the application, for consideration by Council.
- d. It is the Candidate's responsibility to meet any deadlines, complete the application or otherwise comply with any requirements of this Policy.
- e. The Clerk will create a list of all Eligible Candidates that have complied with the application process. All applications shall be considered public documents and will be made available for public viewing in accordance with the Act and Municipal Elections Act and any other election procedure utilized by the Clerk during a regular municipal election or By-Election.
- f. Copies of all application documents shall be included in the agenda for the Special Council meeting and made available as part of the public agenda posted on the Township's website.
- g. A Candidate who wishes to withdraw their application may do so in person and in writing to the Clerk or designate. The deadline for any withdrawal shall be any time up to 10:00AM on the Friday before the date of the Special Council meeting to fill the vacancy.

Special Council Meeting

1. The vote to appoint a Candidate shall occur at a Special Council meeting open to the public.
2. Delegations are permitted at the Special Meeting, but only in written form. No in-person or oral presentations may be made at this meeting.
3. All qualified Candidates who have submitted an application for the vacant seat will be notified by the Clerk of the date, time and place of the Special Council meeting, at which time they may address Council.
4. At the meeting, the following shall take place:

- a. The Chair shall make a short statement of the purpose of the meeting and the general order of the proceedings to be followed.
- b. The Clerk will provide a list of qualified Candidates who have completed the required forms.
- c. Each Candidate will be afforded an opportunity to address Council for a period not to exceed five (5) minutes;
- d. The order of speaking will be determined by Lot, where first drawn will be afforded the opportunity to speak first and so on.
- e. All Candidates shall be asked the same four (4) questions, which will be pre-determined based on input from Council.
- f. Candidates will be sequestered in an adjacent room until it is their time to answer the question posed by Council. Once a Candidate has answered the questions, they may remain in the meeting.
- g. Upon hearing all Candidate submissions, Council will proceed to vote, by way of public ballot vote, in rounds of voting as follows:
 - i. Members of Council will vote by way of public ballot;
 - ii. The Clerk will provide each Member of Council with a ballot, with the Member's name pre-printed on the ballot;
 - iii. The Clerk will ask the Members of Council to cast their vote by writing the full name of one (1) Candidate on the ballot. The member of Council shall then sign the ballot.
 - iv. The Clerk will collect all marked and signed ballots, and will tabulate the results.
- h. The following procedure shall be used for counting the votes:
 - i. The Candidate who receives the votes from more than one half of the number of members of Council present and voting shall fill the vacancy.
 - ii. A spoiled or incomplete ballot will be rejected by the Clerk and the vote count taken on the remaining ballots.
 - iii. If the Candidate receiving the greatest number of votes cast does not receive more than one-half of the votes of all voting members of Council, the Candidate or Candidates who received the fewest number of votes will be excluded from further consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the Candidate or Candidates who receive the fewest number of votes. This process will be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.
 - iv. Where there is more than one Candidate, and the votes cast are equal for all Candidates:

1. If there are three (3) or more Candidates remaining, the Clerk shall, by Lot, select one such Candidate to be excluded from the subsequent voting;
 2. If only two (2) Candidates remain, the tie shall be broken and the vacancy shall be filled by the Candidate selected by Lot, as conducted by the Clerk.
- i. Upon conclusion of the voting and/or drawing of Lots, the Clerk will declare the successful Candidate.
 - j. A by-law confirming the Appointment shall be enacted by Council appointing the successful Candidate to the Office of Councillor for the remainder of the Term of Office of the present Council.
 - k. The Clerk shall administer the Declaration of Office required by Section 232(1) of the Act, at the meeting where the Appointment by-law is enacted by Council, or as directed by Council.