



ARNPRIOR

**Town of Arnprior
Special Meeting of Council Agenda
Date: Tuesday, March 4th, 2025
Time: 5:00 p.m.**

Location: 105 Elgin Street West, Arnprior

- 1. Call to Order**
- 2. Roll Call**
- 3. Land Acknowledgement Statement**
- 4. Adoption of Agenda (Additions/ Deletions)**
- 5. Disclosures of Pecuniary Interest**
- 6. Staff Reports**
 - a) Declaration of Vacant Council Seat and Options to Fill Councillor Seat for the Balance of the 2022-2026 Term of Council, CAO and Town Clerk**
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- 7. Closed Session**
- 8. Confirmatory By-law**

By-law No. 7568-24 to confirm the proceedings of Council

9. Adjournment

Please note: Please see the [Town's YouTube channel](#) to view the live stream. The meeting will be uploaded to YouTube for future viewing.

The agenda is made available in the Clerk's Office at the Town Hall, 105 Elgin Street West, Arnprior and on the Town's [website](#). Persons wishing to receive a print item on the agenda by email, fax, or picked up by hand may request a copy by contacting the Clerk's Office at 613-623-4231 ext. 1840. The Agenda and Agenda items will be prepared in an accessible format upon request.

Full Distribution: Council, C.A.O., Managers and Town Administrative Staff

Email to: Metroland Media; Oldies 107.7/My Broadcasting Corporation; Valley Heritage Radio



Town of Arnprior Staff Report

Subject: Declaration of Vacant Council Seat and Options to Fill Councillor Seat for the balance of the 2022-2026 Term of Council

Report Number: 25-03-04-01

Report Author and Position Title: Robin Paquette, CAO and Kaila Zamojski, Town Clerk

Department: CAO's Office

Meeting Date: March 4, 2025

Recommendations:

1. That Council receive staff report entitled "Declaration of Vacant Council Seat and Options to Fill Councillor Seat for the balance of the 2022-2026 Term of Council" for information; and

That pursuant to Section 262(1) of the Municipal Act, 2001, Council of the Town of Arnprior does hereby declare to be vacant one (1) Councillor Seat following the resignation Councillor Billy Denault.

2. That Council directs staff to proceed with Option ___ to fill the vacant Councillor Seat.

Background:

Council has received the resignation of Councillor Billy Denault as of March 3rd, 2025, due to his election as MPP for the Provincial Renfrew-Nipissing-Pembroke riding.

Overview:

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

If a municipal council seat becomes vacant, council must declare the council seat vacant at its next meeting. A copy of the declaration must be forwarded immediately to an upper-tier council if the declaration is made by a lower-tier and vice versa. Within 60 days of declaring the council seat vacant, council must either appoint a member or direct staff to fill the vacancy through a by-election.

If an office becomes vacant after March 31 in a regular election year, the seat may only be filled by appointment. A vacancy must be filled unless it occurs within 90 days before voting day of a regular election. If the vacancy occurs within 90 days before a regular election, the municipality is not required to fill the vacancy.

Analysis/Comments:

When a vacancy on Council occurs, Council is faced with the decision on how to fill the vacant seat for the remainder of the term. The Municipal Act provides the following two (2) options:

Filling vacancies

263 (1) If a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,

- a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996.

Section 263(5) establishes the rules applying to filling vacancies.

Rules applying to filling vacancies

263 (5) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall,
 - i. appoint a person to fill the vacancy under subsection (1) or (4), or
 - ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).
2. Despite paragraph 1, if a court declares an office to be vacant, the council shall act under subsection (1) or (4) within 60 days after the day the court makes its declaration.
3. Despite subsections (1) to (4), if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy.

Section 264 of the Municipal Act, 2001, provides that a person appointed or elected to fill a vacancy shall hold the office for the remainder of the term of the person he or she replaced.

Section 256 of the Municipal Act sets out the eligibility requirements for persons qualified to be elected or to hold office as a member of a council of a local municipality. To be an elector, the person under consideration must, on voting day, (a) reside in the municipality or be the owner or tenant of land there, or the spouse of such owner or tenant, (b) be a Canadian Citizen, (c) be at least 18 years old and (d) not be prohibited from voting.

Under section 258 (1) of the Municipal Act, 2001, the following are not eligible to be elected as a member of a council or to hold office as a member of a council: an employee of the municipality; a person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman, registrar or an investigator of the municipality; a person who is not an employee of the municipality but who holds any administrative position of the municipality; a judge of any court; a member of the Legislative Assembly or of the Senate or House of Commons of Canada; and a public servant.

Once the seat is declared vacant, the municipality has 60 days to either appoint a person, or pass a by-law requiring a by-election to be held.

Discussion:

The following are a number of options for Council consideration to fill the Councillor Vacancy. This list is not exhaustive, and that Council has the option of filling the vacancy in any way that is in compliance with the legislation.

Option #1- Pass a By-law Requiring a By-Election to be Held to Fill the Council Vacancy

Council has the option of passing a by-law authorizing a by-election. The Municipal Elections Act (“MEA”) states that if such a by-law is passed, that the nomination day would occur a maximum of sixty (60) days from the passing of the by-law (potentially February 2025), with voting day occurring forty-five (45) days after nomination day. The MEA states that a by-election must be held “as far as possible” in the same manner as the regular election, which would include electronic voting.

A by-election may be the most democratic option to fill the vacancy, but will also be the most costly. The 2022 Municipal and School Board election cost approximately \$34,000. These costs included the costs to retain the internet voting provider and Canada Post to mail the Voter Information Letters. Though the by-election would be for a single vacant council seat, the cost would be very similar to the previous election as the same steps are required, including mailing the voter information letters and updating the Voter’s List.

Option #2 - Appointment Process

The Municipal Act, 2001 does not set out requirements relating to the appointment of an individual to fill a Council vacancy, other than those relating to qualifications. In order to be considered for appointment, individuals must meet the qualifications as outlined in the Municipal Elections Act, and listed below:

- i. Reside in or be the owner/tenant of land in the municipality, or spouse
- ii. Canadian Citizen
- iii. At least 18 years of age
- iv. Not be prohibited from voting under section 17(3) of the Municipal Elections Act or otherwise by law

Council will declare the Councillor seat to be vacant at the March 4th, 2025 Council Meeting, and in accordance with the Municipal Act, if Council directs that the vacancy will be filled by appointment, the seat must be filled by April 3rd, 2025.

Option #2A - Appointment of a Candidate from the 2022 Municipal Election to Fill the Vacancy

Should Council opt to consider the appointment of the next-place finisher of the respective office, the Clerk would seek written confirmation and qualification and determine if the individual is interested in accepting the appointment. If not possible, the process could continue until a qualified and willing candidate is determined.

Option #2A could result in an Oath of Office being administered by the new Councillor by the end of March, 2025.

Option #2B - Appointment by Call for Applications

Option #2B approves an appointment process which would permit interested, eligible persons to submit an application for appointment to Council. This open call for applications would be advertised, and would include a process through an application, declaration of qualifications and a recommended procedure to include an interview / presentation to Council in an open Council Meeting. This format is based on practices in other Ontario municipalities.

Staff will provide Council with a Vacancy Appointment Procedure at the next Council Meeting for approval if Option #2B is selected.

Option #2C - Direct Appointment by Council

Option #2C approves an appointment process where Council appoints an eligible individual without an application process and without referencing the most recent election results. Should Council wish to discuss potential individuals, Council may wish to enter into a Closed Session to discuss a matter of an identifiable individual.

Options:

As outlined above.

Policy Considerations:

Ontario Municipal Act, R.S.O. 2001, as amended, c.25

Municipal Elections Act, 1996

Financial Considerations:

There will be significant costs to fill the vacant seat if Council directs that a by-election be held to fill the vacancy. Other options can be provided within the current Operating Budget.

Meeting Dates:

N/A

Consultation:

Legislation listed above

Documents:

N/A

Signatures

Reviewed by Department Head:

Reviewed by General Manager of Client Services/Treasurer:

CAO Concurrence: Robin Paquette

Workflow Certified by Town Clerk: Kaila Zamojski