

Schedule A - Procedure to Appoint an Individual to Fill a Council Vacancy by Application

These Procedures set out the process to appoint a qualified individual to fill a Council vacancy by application.

1. General information

1. Any individual filling the vacancy must be an Eligible Elector as defined in section 17 (2) of the *Municipal Elections Act, 1996, as amended*:
 1. A resident of the Town of Milton, or an owner or tenant of land in the Town of Milton or the spouse of such an owner or tenant;
 2. A Canadian citizen;
 3. At least 18 years old;
 4. A person who is not prohibited from voting under any other Act or from holding municipal office.
2. Any employee of the Town who seeks appointment to Council is required to give written notice, prior to submitting any documentation required under this Procedure, of their intention to take unpaid leave in accordance with the Municipal Elections Act, 1996, as amended, and any other applicable employee policies of the Town of Milton. If the employee is appointed to office, the employee will be deemed to have resigned from their employment with the Town immediately before making the declaration of office.

2. Application Procedure

- 1) The vacancy will be advertised on the Town of Milton website and in a local newspaper, where possible, for a minimum of ten (10) business days.
- 2) Individuals will be required to submit a Consent of Nominee form and a Declaration of Qualification in-person to a representative of the Town Clerk's Office during regular business hours (8:30 a.m. to 4:30 p.m.) Electronic or mailed forms will not be accepted.
- 3) Any individual wishing to be considered for appointment to fill the Council vacancy will be required to provide identification to prove his or her identity and qualifying address to the satisfaction of the Town Clerk.
- 4) On the regular business day following the close of the application deadline date, the Town Clerk will publish a list on the Town website of all eligible applicants that have completed by the application process. All application documentation shall be considered public documents and will be made available for public viewing upon request at the Town Hall, 150 Mary Street, Milton, Ontario.
- 5) An applicant who wishes to withdraw their application may do so in-person and in writing to the Town Clerk. The deadline for any withdrawal shall be accepted up to the time at which the Special Council meeting is held to fill the vacancy.

3. Meeting Procedure

1) A Special Council meeting will be held in accordance with the Town's Procedure By-law, where in open session:

- a) All qualified candidates who have submitted an application for the vacant seat will be notified by the Town Clerk of the date and time of the Special meeting of Council, at which time they may address Council. Candidates are required to notify the Clerk no later than 24 hours before the start of the Special Meeting of Council of their intention to address Council at the meeting.
- b) Each candidate, if they wish to address Council, will be permitted to address Council for not more than 5 minutes;
- c) Each Member of Council will be permitted to ask one (1) question maximum of each candidate. Follow-up questions will not be permitted;
- d) Candidates will be sequestered in an adjacent room until it is their time to address Council regarding their application and answer questions from Council;
- e) Once this is complete, candidates may remain in Council Chambers for the remainder of the public appointment process.
- f) The order in which candidates will address Council will be determined by lot, which means that the Clerk will place the names of the applicants on equal size pieces of paper in a container with one applicant name being drawn by the Town Clerk to determine the order.

2) The Applicant for Appointment will be selected in open session as follows:

- a) When called upon by the Clerk, Members of Council will vote for the applicant of their choice when the Clerk calls for the vote of each applicant in alphabetical order. Secret ballots are not permitted under the *Municipal Act, 2001, as amended*.
- b) The Clerk will tabulate the voting results;
- c) A majority vote of Council will determine whether an applicant is successful;
- d) If no applicant receives a majority vote, the applicant or applicants receiving the least amount of votes will be excluded from further consideration;
- e) Additional rounds of voting, excluding the applicant receiving the least number of votes, will take place until a nominee receives a majority vote;
- f) Where the votes cast are equal for all applicants, and there are three or more applicants, the Clerk will by lot select one applicant to be excluded from the subsequent round of voting, which means that the Clerk will place the names of the applicants on equal size pieces of paper in a container with one applicant name being drawn by the Town Clerk to be excluded from subsequent voting.
- g) Where there are only two applicants, and the vote is tied, the Clerk shall break the tie by selecting a nominee by lot, which means that the Clerk will place the

names of the applicants on equal size pieces of paper in a container with one applicant name being drawn by the Town Clerk to determine the winner.

3) The appointment of the applicant will be made by by-law. A by-law confirming the appointment will be enacted by Council.

4) The Clerk will administer the Declaration of Office required by subsection 232(1) of the Municipal Act, 2001, at the meeting where the by-law is enacted by Council, or as directed by Council.

5) The Town Clerk, or designate, shall be responsible for interpreting and, where appropriate, facilitating the Appointment by Application process. The Town Clerk has the authority to make minor technical amendments to this procedure as may be required from time to time.