



**Date:** June 27, 2022  
**To:** Mayor and Council  
**Author:** Paula Parker, Town Clerk  
**RE:** Council Vacancy  
**Report No.:** CAO-2022-11

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## INFORMATION REPORT

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### BACKGROUND

On June 20, 2022, Mayor Nelson Santos advised in a media release that he will not be running for re-election. He further stated that he will be resigning as Mayor of the Town of Kingsville in July, advising that his resignation will be filed with the Town Clerk on July 17, 2022.

Section 262 of the *Municipal Act*, S.O. 2001, c.25 (the Act), requires Council to declare the office vacant at its next Council meeting. This would be August 8, 2022, if a special meeting is not called earlier and the resignation is filed with the Town Clerk on July 17, 2022.

Within 60 days after the day a declaration of vacancy is made by Council, Council shall determine whether to fill the vacancy by by-election or by appointment in accordance with the Act. However, if the vacancy occurs after March 31 in the year of a regular election Council is restricted to filling a vacancy by appointment only as set out in Section 65(2) of the *Municipal Elections Act*.

It should also be noted that despite the requirement for filling vacancies as per Section 263(1), Council is not required to fill a vacancy that occurs within 90 days of voting day of a regular election, as per Section 263(5)(3) of the *Act*.

On September 11, 2017 Council passed the following resolution (#587-2017):

“That Council approve the Council Vacancy Policy (CS-017), as amended.”

Section C of this policy (attached) governs how a vacancy in the office of the Mayor will be filled, if this is the action council wishes to take. If Council wishes to fill the vacancy, this policy should be followed.

## **DISCUSSION**

As stated above, after July 17, 2022 Council is required to declare the office vacant at its August 8, 2022 council meeting. Once the declaration is made, Council has some options available to them.

### **Filling a vacancy for Mayor**

#### **Option 1**

Leave the mayor's position vacant until the new term begins and allow the Deputy Mayor to chair meetings until a new Mayor is sworn in during November 2022. With this option, the member appointed by this term of Council to act as an alternate at county council will act on Kingsville's behalf until the new term. Councillor Gaffan is the appointed alternate and would represent Kingsville alongside the Deputy Mayor at the county council table until the new term begins.

#### **Option 2**

As per section C of the Council Vacancy Policy, appoint an interested member of the current sitting Council to the office of the Mayor for the remainder of the term. This could be the Deputy Mayor or a Councillor. This option requires interested members to fill out a Council Vacancy Appointment Application Form (attached) and submit it to the Town Clerk the Wednesday prior to the scheduled meeting.

If Option 2 is chosen, this will create a vacancy in another office. Options for each office are listed below.

### **Filling Vacancy for Deputy Mayor**

#### **Option 1**

Leave the office vacant until the new term begins in November 2022. With this option, the member appointed by this term of Council to act as an alternate at county council will act on Kingsville's behalf until the new term. As indicated above, Councillor Gaffan is the appointed alternate and would represent Kingsville alongside the appointed Mayor at the county council table until the new term begins.

#### **Option 2**

As per section C of the Council Vacancy Policy, appoint an interested member of the current sitting Council to the office of the Deputy Mayor for the remainder of the term. This option requires interested members to fill out a Council Vacancy Appointment Application Form (attached) and submit it to the Town Clerk the Wednesday prior to the scheduled meeting.

## **Filling a Vacancy for Councillor**

### **Option 1**

Leave the office vacant until the new term begins in November 2022. With this option, Council will represent its constituents as a 6 member council for the remainder of the term and a newly appointed Mayor and the current Deputy Mayor would represent Kingsville at the county council table until the new term begins.

### **Option 2**

As per section A of the Council Vacancy Policy, appoint the candidate who ran for the position of Councillor who received the most votes, but was not elected. In this case, Council would appoint Mr. Barry Wilson as a Councillor for approximately 3 months. Mr. Wilson would still be required to be an eligible elector for the Town of Kingsville. If he is not, or is not interested in serving, then the next eligible candidate would be selected.

### **Option 3**

As per section B of the Council Vacancy Policy, fill the vacancy by call for nominees. This option requires public notice of the Council Vacancy for 3 consecutive weeks prior to appointing a member. Interested parties are required to complete and sign the Council Vacancy Appointment Application Form and a Declaration of Qualification Form and submit said forms to the Clerk in person at a date and time established by the Clerk. Due to the short time period of 3 months between declaration of vacancy and voting day, this option is not feasible and is not recommended by administration.

## **FINANCIAL CONSIDERATIONS**

There are no financial impacts to implementing Options 1 or 2 for any office, however there could be minimal cost implications to Option 3 for filling a vacancy in the office of a councillor. These costs could include advertisement, overtime, etc.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental considerations to this report.

## CONSULTATIONS

The Deputy Clerk and CAO were consulted on this report.

PREPARED BY:



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Paula Parker  
**Town Clerk**

REVIEWED BY:



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John Norton  
**Chief Administrative Officer**