

APPENDIX C to COR-2024-007

Appointment Procedures for Filling a Council Vacancy

General

- The Municipal Clerk or designate, shall be responsible for interpreting and where appropriate, facilitating the appointment application process. The Clerk has the authority to make minor technical amendments to this procedure as may be required from time to time.
- Any individual filing the vacancy must be an Eligible Elector under the *Municipal Elections Act*.

Appointment Procedure

Notice

- Advertisement for a vacancy on Council will be, at minimum, placed in the local newspaper, on the Municipal Website, social media and electronic signs after the appointment process is confirmed by Council for a minimum two (2) week period of time.
- The advertisement shall include Council's intention to appoint a qualified person to fill the vacancy and the procedure to be followed. Any electronic sign advertisements shall direct the public to the City's Website.
- Communication using other methods may also be used, where appropriate.

Application

- Any qualified individual that wishes to be considered for appointment to fill the Council vacancy shall complete and provide the following, and submit them to the Clerk **in person** by **January 25, 2024 at 2 p.m.**
 - Council Vacancy Application form (Schedule A)
 - Council Declaration of Qualifications (Schedule B)
 - Personal Statement of Qualifications
- Individuals filing the above forms will be required to provide identification showing their name and proof of qualifying address, to the satisfaction of the Clerk.
- Once submitted, the forms will be made available to the public the same way as a nomination form for a candidate in a municipal election is made available to the public.
- Applicants should submit a Personal Statement of Qualifications for Council's consideration. Personal statements shall be typewritten in a 12-point (or greater) font on letter sized (8 ½ x 11) paper, shall not exceed one page in length and will include the applicant's name and address. Statements that do not meet these requirements will not be included in any Council meeting agenda or provided to Council by the Clerk. The Clerk's office will advise applicants of the deadline for the submission of personal statements at the time the person files the Vacancy Application form and Council Declaration of Qualifications.

- It is the applicant's sole responsibility to meet any deadline or otherwise comply with any requirements of this procedure.
- The Clerk will create a list of all applicants which will be a public document.

Council Meeting

- The applications will be considered by Council at an open Council meeting. The meeting will be streamed live and available through the City's website.
- The meeting may be a regular Council meeting, or a special Council meeting called for that purpose.
- Notwithstanding the requirements of the Procedure By-law, the agenda for that meeting shall be set by the Clerk to allow for the orderly proceeding of selecting an appointee, while respecting the standard agenda of a regular Council meeting. To ensure fairness and consistency, only those who are seeking appointment would be permitted to address Council during the meeting.
- Copies of all application documents will be included in the agenda package for the meeting and will be made available as part of the public agenda posted on the City's website.
- The order of applicant's speaking will be determined by lot, where the first drawn will be afforded the opportunity to speak first and so on.
- Applicants will be invited to address Council for no more than five (5) minutes each.
- Candidates will be sequestered in an adjacent room until it is their time to address Council and answer the questions posed by Council.
- Each Council member will be permitted to pose a maximum of two questions to each applicant.
- Upon hearing all applicant's submissions Council may take a short recess.
- Upon resumption, the winning nominee will be selected in accordance with the established balloting process;
 - Members of Council will be permitted to nominate their preferred candidate until all nominations are considered.
 - Members of Council will vote for their preferred candidate from the nomination list and submit their ballot to the Clerk.
 - The Clerk shall read the votes aloud in public session.
 - The votes shall be counted to determine the winning nominee.
 - If the votes result in a tie, a second round of voting for the tied candidates shall commence.
 - The votes shall be counted to determine the winning nominee.
- The nomination will be confirmed through the appointment by-law at the end of the meeting.

Subsequent Meetings

- The Clerk will administer the Oath of Office to the successful appointee directly after the meeting the appointment by-law is passed, or in any event, prior to any municipal business being conducted by the successful appointee to the position.
- Council orientation for the new member of Council will be arranged by the Clerk in consultation with the Chief Administrative Officer and the Mayor.



Council Vacancy Application Form

Please complete this application form and submit **in person** with identification no later than **2:00 pm** on **January 25, 2024** to:

Office of the City Clerk
City of Kitchener
200 King Street West
Kitchener, Ontario N2G 4G7

Council Vacancy Application Form
Name: Click or tap here to enter text.
Qualifying Address: Click or tap here to enter text.
Email Address: Click or tap here to enter text.
Telephone Number: Click or tap here to enter text.

Eligibility Requirements	Yes	No
Canadian Citizen	<input type="checkbox"/>	<input type="checkbox"/>
Minimum of 18 years of Age	<input type="checkbox"/>	<input type="checkbox"/>
Eligible elector in the City of Kitchener (owner, tenant, spouse of such owner or tenant)	<input type="checkbox"/>	<input type="checkbox"/>
Not prohibited from voting (as per <i>Municipal Elections Act</i>) or otherwise by law	<input type="checkbox"/>	<input type="checkbox"/>

By signing this form, you consent to having your name publicly released.

Date	Signature

Personal Information collected on this form is pursuant to the Municipal Act, 2001, as amended and is collected in accordance with the Municipal Freedom of Information Act and Protection of Privacy Act and shall be used by the Clerk for the purpose of assessing whether a nominee is eligible for appointment to municipal office. The information in this form shall be attached to a Council Agenda and published to the City's website.

Please attach the Personal Statement to this form.

Personal Statements shall be typewritten in 12 point (or greater) font on letter sized paper and shall not exceed one page in length and will include the applicants name and address.

Declaration of Qualifications

I, _____, do solemnly declare that:

1. I am qualified pursuant to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001* to be elected to and to hold the above noted office.
2. I am not ineligible or disqualified under the *Municipal Elections Act, 1996*, the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* or any other *Act* to be elected to or hold the above-mentioned office.
3. Without limiting the generality of paragraph 2 above,
 - I am not an employee of the City of Kitchener, or if I am an employee of the City of Kitchener, I am on an approved unpaid leave of absence as provided for by section 30 of the *Municipal Elections Act, 1996*.
 - I am not a judge of any court.
 - I am not a member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the Clerk of the City of Kitchener prior to appointment. I understand that the Clerk of the City of Kitchener will reject my nomination for the above-mentioned office if I fail to provide proof of resignation by this deadline.
 - I am not a member of the Executive Council of Ontario or a federal Minister of the Crown.
 - I am not a Crown employee within the meaning of the *Public Service Act*, or if I am a Crown employee, I have followed and will continue to follow all the relevant provisions of Part III of such *Act*.
4. I am not prohibited from voting at the municipal election under subsection 17(3) of the *Municipal Elections Act, 1996*.
5. Without limiting the generality of paragraph 4 above,
 - I am not a person who is serving a sentence of imprisonment in a penal or correctional institution.
 - I am not a person who was convicted of a corrupt practice described in subsection 90(3) of the *Municipal Elections Act, 1996* or of an offence under the *Criminal Code (Canada)*, in connection with an act or omission with respect to a municipal election.
6. I am not disqualified from being elected to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the *Municipal Elections Act, 1996*.



And I, _____ make this
(print name of applicant)

solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Must be signed in the presence of a Commissioner for Taking Affidavits.

Signature of Candidate
X

OFFICE USE ONLY:

Declared before me at the _____ City of Kitchener
(municipality where declaration made)

of _____ Region of Waterloo
(county, district or regional municipality where declaration made)

This _____ day of _____ . 20 _____.
day month year

Commissioner for Taking Affidavits Signature

Certificate

I, the undersigned Clerk of the City of Kitchener, do hereby certify that I have examined the application and qualifications of the aforesaid applicant filed with me and am satisfied that the nominee is qualified for appointment to municipal office.

Signature of Clerk or designate

Date Certified

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