



Municipality of South Bruce

Candidate Checklist

for the 2023 Appointment to a vacant council seat

Checklist

- Government issued ID
- Proof of eligibility (as noted below) _____
 - a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
 - b) is a Canadian citizen;
 - c) is at least 18 years old; and
 - d) is not prohibited from voting under subsection (3) or otherwise by law. 2002, c. 17, Sched. D, s. 5 (2); 2005, c. 5, s. 46 (1).
- Application
- Declaration of Qualifications (*can be completed at time of submission*)
- Freedom of Information Release Form (*can be completed at time of submission*)
- Personal Statement – **ensure you refer to the Appointment to a Vacant Council**

Position Procedure

Must include the following:

- Applicant's background information
- Relevant qualifications
- Why the applicant is interested in the position

Must:

- be Typewritten
- be on letter size paper (8½ x 11)
- not be more than two (2) pages in length (one sided)
- include the Candidate's name and address

Dates to know

Nomination Day	March 15, 2023 (8:30am – 4:00pm)
Withdrawal of Nominations	March 15, 2023 (before 4:00pm)
Certification by Clerk	March 17, 2023 (before 4:00pm)

Special Meeting of Council Council Appointment Meeting

March 21, 2023 at 6:00 p.m.

**All applicants are required to attend in person.



Council Vacancy Application

Instructions: Please print or type information (except signatures)

NOTE		
<ul style="list-style-type: none"> A Council Vacancy Application may only be filed in person; it may not be faxed or emailed It is the responsibility of the person applying to file a complete and accurate application 		
Council Vacancy Application of a person to be a candidate for appointment to the position of Mildmay Carrick Ward Councillor for the Municipality of South Bruce.		
Candidate Full Name:		For the Office of: Mildmay Carrick Ward Councillor
Candidate's full qualifying address within the Municipality (below):		
Street Number:		Street Name:
Municipality	Province	Postal Code
Candidate's full mailing address (if different from qualifying address above)		
Street Number:		Street Name:
Municipality	Province	Postal Code
Telephone (incl. area code)		Email Address
<input type="checkbox"/> I, the Applicant, acknowledge that attached to this Application is a Personal Statement, in accordance with the Procedure – Appointment to a Vacant Council Position.		
Declaration of Qualification		
I _____ the applicant mentioned in this form, declare that I am presently legally qualified or would be presently legally qualified if I were not a member of the Legislative Assembly of Ontario or the Senate House of Commons of Canada, to be elected and to hold the office for which I have applied and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.		
Declared before me at Teeswater, in the Municipality of South Bruce, in the County of Bruce, this _____ day of _____, 2023		_____ Signature of Applicant
Signature of Clerk or Commissioner, etc.		
Date Filed (yyyy/mm/dd)	Time Filed	Signature of Clerk or Designate
Certification by Clerk or Designate		
I the undersigned clerk of this municipality do hereby certify that I have examined the application of the aforesaid candidate filed with me and am satisfied that the candidate is qualified to be appointed and that the appointment complies with the Act.		
Signature		Date Certified (yyyy/mm/dd)
Personal information on this form is collected under the authority of the <i>Municipal Act, 2001</i> and will be used for the nomination process for filling a vacancy on Council and will be available for public inspection in the office of the Clerk, Municipality of South Bruce until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, 21 Gordon Street East, Teeswater, Ontario, 519-392-6623.		



**Municipality of South Bruce
Declaration of Qualifications – Council
To Fill a Vacancy on Council**

I, _____, a nominated candidate
for the office of:

Mildmay Carrick Ward Councillor

Do Solemnly Declare That:

1. I am qualified pursuant to the *Municipal Elections Act, 1996*, as amended and the *Municipal Act, 2001* to be elected to and to hold the office of:

Mildmay Carrick Ward Councillor

2. Without limiting the generality of paragraph 1, I am at least eighteen years of age, a Canadian citizen, a resident of the Municipality of South Bruce or the owner or tenant of land in the Municipality of South Bruce or the spouse of such owner or tenant;

3. I am not ineligible or disqualified under the *Municipal Elections Act, 1996*, as amended, the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* or any other Act to be elected to or hold the above-mentioned office;

4. Without limiting the generality of paragraph 3,

- I am not an employee of the Municipality of South Bruce, or if I am an employee of the Municipality of South Bruce, I am on an unpaid leave of absence as provided for by section 30 of the *Municipal Elections Act, 1996*, as amended;
- 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;
- I understand that the Clerk of the Municipality of South Bruce 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;

5. I am not prohibited from voting at the municipal election under subsection 17(3) of the *Municipal Elections Act, 1996*, as amended;

6. Without limiting the generality of paragraph 5,

- 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(1), (2) or (3) of the *Municipal Elections Act, 1996*, as amended;
7. I am not a candidate who was convicted of a corrupt practice under subsection 91 of the *Municipal Elections Act, 1996*, as amended or of an offence under the Criminal Code (Canada), in connection with an act or omission with respect to a municipal election which this Act applies;
8. 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*, as amended; and

I, _____, make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at the Municipality of South Bruce, on this _____ day of _____, 2023.

Signature of Candidate

Signature of Clerk or Designate

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for the nomination process for filling a vacancy on Council, will be included in the Council Agenda and will be available for public inspection in the office of the Clerk, Municipality of South Bruce until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, 21 Gordon Street East, Box 540, Teeswater, Ontario N0G 2S0, 519-392-6623.



**The Corporation of
the Municipality of South Bruce**

**Freedom of Information (FOI) Release Form
Application to Fill a Vacancy on Council**

Notice:

An application to Fill Vacancy on Council, which contains some contact information, is a public document that may be inspected by any person at the Municipality's Clerk's Office at a time when the office is open until such time as the form is legally destroyed. It will also be included on the Council Agenda.

Purpose of this Form:

This form can be used to consent to permit other methods of public disclosure of specific contact information in addition to public inspection of forms. By completing and submitting this form you authorize municipal staff to include on the Municipality's website, and make available to any person upon request by all of the following methods: in person, by phone, mail, e-mail or fax, the information below with respect to your application to Fill a Vacancy on Council.

Instructions:

Make an appointment to submit this form in person to the Clerk's Office, 21 Gordon Street East, Teeswater, Ontario N0G 2S0:

Name of Applicant			
Address		Unit No.	City
			Postal Code
Home Phone No.	Business Phone No.		Cell Phone No.
E-mail Address			
Website Address			
In accordance with the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , as amended, I hereby authorize municipal staff to include on the Municipality's website, and make available to any person upon request by all of the following methods: in person, by phone, mail, e-mail or fax, the information shown with respect to my application to fill a vacancy on Council.			
Signature of Applicant		Date	

Personal information on this form is collected under the authority of *the Municipal Elections Act, 1996* and will be used by an applicant for the purpose of authorizing the Clerk to publicly disclose the information by the methods detailed on the form. This document is a public record, despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*, and, until its destruction, may be inspected by any person at the Clerk's Office at a time when the office is open. Questions about this collection can be directed to the Clerk, 21 Gordon Street East, Teeswater, Ontario N0G 2S0 or at 519-392-6623.

Municipality of South Bruce Corporate Operational Procedure

Appointment to a Vacant Council Position	
Department: Clerk	Prepared By: CAO/Clerk
Date: February 14, 2023	Approved By Resolution: M23-123

Procedure to Appoint an Eligible Elector to Fill a Vacancy

1. Purpose:

The purpose of this procedure is to provide the steps to be followed to ensure an open and transparent process when filling a Council vacancy by appointing an Eligible Elector.

2. Notice of Vacancy:

- 2.1. **"Chair"** means the Member of Council presiding at the Council Appointment Meeting
- 2.2. **"Council Appointment Meeting"** means the regular or Special Meeting of Council where Council will appoint an eligible elector to fill the Vacancy.
- 2.3. **"Clerk"** means the Clerk of the Municipality of South Bruce or their delegate.
- 2.4. **"Lot"** means a method of determination by placing the names of the candidates on an equal size of paper and placed in a container with one name at a time being drawn by the Clerk or designate.

3. General

- 3.1. Amendments may be made to the Procedure to Appoint an Eligible Elector to Fill a Vacancy at the discretion of the Clerk.
- 3.2. Council may decide by resolution to fill a Vacancy by Appointment of an Eligible Elector.
- 3.3. To be considered for Appointment, a Candidate must meet all the requirements to hold the vacant office, and must not otherwise be disqualified from holding that office.
- 3.4. It is the Candidate's sole responsibility to meet any deadline or otherwise comply with any requirement established by the Council or the Clerk as part of the Appointment process.

4. **Notice of Vacancy**

- 4.1. The Clerk shall post a Council Vacancy Notice on the Municipal website and in a local newspaper for two (2) weeks. The notice shall indicate Council's intention to appoint an individual to fill a vacancy and shall direct interested applicants where to find the outline of the nomination process.
- 4.2. A vote to fill a vacancy on Council by appointment shall occur at a Council Appointment Meeting.

5. **Nomination**

5.1. Any individual wishing to be considered for appointment to the vacancy shall:

- Complete and sign a Council Vacancy Application Form and a Council Vacancy Declaration of Qualification and submit the forms to the Clerk, in person, if practical, during the Nomination/Application period, as determined by the Clerk.
- Candidate(s) shall also submit to the Clerk by the closing time for nominations, a personal statement including a person's background information, relevant qualifications and why the person is interested in the position for consideration of Council. Personal statements will be typewritten on letter size (8 ½ x 11) paper, shall not exceed two (2) pages in length (one sided), and will include the Candidate(s) name and address.

Statements that do not meet these requirements shall not be included in any Council meeting agenda or provided to Council by the Clerk.

Please Note: All Candidates' application forms and personal statements/information are collected under the authority of the Municipal Elections Act, 1996, and will be included in the Council Agenda, as well as being made available for public inspection in the office of the Clerk until the next regular election. The entire Council proceedings relating to the Council Vacancy will be dealt with in open session of Council. A "Freedom of Information (FOI) Release form is required to be filled out by Candidate(s).

Applications must be on the Council Vacancy Application Form and accompanied by a Declaration of Qualification.

- a All candidates must provide the Clerk with government issued identification and proof of eligibility within the municipality when filing a nomination.

- b** The surname on the application and the surname on the identification must be the same. Some flexibility will be given to first names (e.g. Tony for Anthony) subject to approval of the Clerk.
- c** Applications will be reviewed for completeness when filed and will be certified on or before the date to be set by the Clerk.
- d** An unofficial list of persons who have submitted forms will be prepared and updated as soon as practical after receipt of the required forms.
The list will be posted on the Municipality of South Bruce website.
- e** An official list of nominated persons shall be posted in the same manner as specified in Section 5.1 d. once nomination forms have been certified and the nomination period has expired.
- f** A candidate may withdraw their nomination by filing a written withdrawal on the prescribed form in the Clerk's Office before a date set by the Clerk. The candidate shall appear in person with identification in order to withdraw the nomination.

6. Council Appointment Meeting

6.1 At the scheduled Council Appointment Meeting, the following shall take place:

- a** All Candidates shall attend in person.
- b** The Mayor will make a short statement regarding the purpose of the meeting and the general order of proceedings to be followed.
- c** The Clerk will provide to the Mayor a list of names of those individuals who have indicated, in writing, their interest in being appointed to the vacancy and the Mayor will call for a motion from Council in the following form:

"That the following individuals, who have signified in writing that they are legally qualified to hold office and consented to accept the office if they are appointed to fill the vacancy, be considered for appointment to fill such vacancy"

- d** 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 shall be determined by lot. The names drawn shall address Council in the order they are drawn from the container. Candidates not presenting shall be sequestered in a separate area until it is that persons turn to speak.

- e** Once each candidate has completed speaking, each Council member may ask a maximum of one (1) question per candidate. No scoring system shall be used in considering the answers to the questions. It is not necessary for any candidate to participate in answering any or all of the questions.
- f** Upon reviewing the candidates and statements of qualification, Council will proceed to vote as follows:

 - i** Council will vote by way of public vote, and all candidates will be invited to witness the voting and the remainder of the meeting. Members of Council shall first mark their vote on a ballot, read their vote (verbally cast their vote) and then pass their ballot to the Clerk. For Councillors attending virtually, their ballots shall be electronically submitted as agreed to by the clerk.
 - ii** Members of Council shall vote for one candidate only.
 - iii** The Clerk shall call upon the member of Council to verbally cast vote in random order drawn by lot.
 - iv** The Clerk shall tabulate the results.
 - v** 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 who received the fewest number of votes shall 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 who receive the fewest number of votes. This process 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.
 - vi** If a tie exists between two or more candidates for the fewest number of votes received, the Clerk shall put all the candidate's names tied for the fewest number of votes in a container and pull one such candidate from the container to be excluded from the subsequent voting.
 - vii** Where the votes cast are equal for all candidates and if there are three or more candidates remaining, the Clerk shall put all the candidate's names into the container and pull one such candidate from the container to be excluded from the subsequent voting.
 - viii** Where the votes cast are equal for all candidates and if only two candidates remain, the Clerk will break the tie by pulling the name of the successful candidate from the container. The Candidate whose

name is pulled by the Clerk will be declared appointed.

- ix Upon conclusion of the voting, the Clerk will note the candidate receiving the votes of more than one half of the number of the voting members or the candidate selected through section 6.1.f viii.
- x A resolution confirming the appointment of the successful candidate, effective immediately, and to be reflected in the next consolidated appointments by-law, shall be passed immediately after the conclusion of the voting, and the new member shall take their Oath of Office immediately after the passing of the resolution.

6.2 General Voting Rules

6.2.1 Each piece of paper used by the Clerk to draw the names of candidates in accordance with the requirements of this Procedure will be created by the Clerk and will be equal in size and type and will contain the name of one candidate only.

6.2.2 Only the Clerk or their delegate may handle the pieces of paper or the container referenced in this procedure.