

Document 2 - Appointment Process

If Council were to choose the appointment option, Subsection 263(5) of the *Municipal Act, 2001* provides that Council shall fill the vacancy by appointing a person who has consented to accept the appointment within 60 days of declaring the Office vacant.

To be eligible to hold office, a person must be:

1. 18 years of age or older;
2. a Canadian citizen;
3. a resident of the City of Ottawa, or an owner or tenant of land in the City or the spouse of such an owner or tenant; and
4. not be prohibited from holding municipal office or from voting under the *Municipal Elections Act, 1996* or otherwise by law.

Council has the statutory authority to appoint any person who meets the above-noted requirements.

That said, the Appointment Process proposed below has been developed to account for the current global COVID-19 pandemic. As stated in the report, staff is of the opinion that Council could undertake an appointment process that goes beyond the 60-day requirement in the *Municipal Act, 2001*.

Appointment Process

1. The City Clerk shall provide public notice of the vacancy and advertise Council's intention to appoint a person to fill the vacancy. The notice will invite interested and qualified individuals to seek appointment for the Ward 19 (Cumberland) Office and outline the process for filing an application. The advertisement of the vacancy would be placed in the daily newspapers, the week prior to the opening of the application period and during the week of the application period, it will also be advertised on the City of Ottawa website and social media accounts during the application period;
2. Applicants will be required to complete a Consent of Nominee form, a Declaration of Qualification, and a Declaration of Identity as proof of their name and qualifying address within the City of Ottawa electronically;
3. The City Clerk will establish a 5-day application period where applicants can submit their forms. The City Clerk will advise Council and the public of the date established for the application period by way of a memorandum;
4. The City Clerk will examine each application that has been filed electronically to ensure it meets the requirements of the MEA, and, if satisfied, certify the

application daily. At the end of each day during the application period, the City Clerk will issue a memorandum to Council of the most up to date candidates list. At the end of the application period, the list of certified applicants will also be available in a report to Council, for publication on the agenda of a Special Council meeting and on ottawa.ca/vote, that will occur no more than 30 days after the 5-day application period has ended; and,

5. At the Special Council meeting, the following shall occur:
 - a. Each applicant will be provided the opportunity to address Council for a period of not more than five (5) minutes;
 - b. The order in which applicants address Members of Council will be determined by lot. The City Clerk shall place the names of all applicants in a container and randomly draw the names;
 - c. Members of Council will be permitted to ask one (1) question of each applicant;
 - d. Upon hearing from each of the applicants, Council shall proceed to vote on the appointment by way of public vote, in accordance with the City's [Procedure By-law](#);

In further detail, voting will proceed as follows:

- An open vote will be held, and each Member of Council, when called upon by the City Clerk or designate, will state the name of the candidate that they are voting for;
- Following the vote, the City Clerk or designate will announce the number of votes for each candidate;
- The candidate receiving the greatest number of votes and those votes being more than one-half of all of the Members present, is the successful candidate.
- Where a candidate for appointment receiving the greatest number of votes cast does not receive more than one-half of the votes of all of the Members on the first vote, the person receiving the fewest number of votes and those who received no votes are removed from any further voting and the vote is taken again.
- Open vote is repeated until such time as a candidate receives a majority of votes of the Members present.

- In the event of a three-way tie in the vote, a “lot” shall be conducted to exclude one candidate from subsequent voting:
 - the method of determining the candidate to be excluded will be as follows:
 - the names of the candidates written on equal size pieces of paper, placed in a box or other container so that the contents are not visible;
 - one name is drawn by a person chosen by the City Clerk to be excluded from further voting.
 - In the event of a two-way tie in the vote, the successful candidate is chosen by “lot”:
 - the method of determining the candidate to be excluded or the candidate to be chosen to fill the vacancy;
 - the names of the candidates written on equal size pieces of paper, placed in a box or other container so that the contents are not visible;
 - one name is drawn by a person chosen by the City Clerk to fill the vacancy.
 - The successful candidate is appointed as the new Member for the vacant seat on Council.
- e. Upon conclusion of the voting, Council shall enact a by-law confirming the appointment of the successful applicant to the Office for the remainder of the 2018-2022 Term of Council.
- f. The successful candidate is sworn into office by the City Clerk.