

# 2018 Provincial Election Vacancy on Markham City Council

General Committee  
June 26, 2018



## Background

- On June 7, 2018, a Provincial Election was held in Ontario.
- Markham City Councillor Logan Kanapathi (Ward 7) was elected MPP for Markham-Thornhill.



## Legislative Framework Governing Council Vacancies

- A municipal Councillor that has been elected to Provincial Parliament is required to vacate their seat on Council.
- A provincially elected Councillor is deemed to have resigned their municipal seat immediately following the publication of the 2018 Provincial Election results in The Ontario Gazette (Legislative Assembly Act, Ontario Elections Act).
- Provincial Election results were published in The Ontario Gazette on **Saturday, June 23, 2018**. Councillor Kanapathi was deemed to have resigned his Ward 7 seat on Markham City Council at the end of day on June 23<sup>rd</sup>.



**The Ontario Gazette**  
**La Gazette de l'Ontario**

## Legislative Framework (Cont'd)

- Markham City Council must now declare the seat vacant at its next meeting (June 26<sup>th</sup> Council meeting).
- Within 60 days of Markham City Council declaring the Ward 7 seat vacant, the City is required to fill the seat by appointment (Section 263 of the Municipal Act).\*

**\*As the Ward 7 vacancy occurs after March 31<sup>st</sup> in a Municipal Election year, the City is required to fill the seat by appointment (& NOT through a by-election).**

**\*The City is not required to fill a Council vacancy that occurs within 90 days before Voting Day of the 2018 Municipal Election (July 24, 2018).**

## Presentation Purpose

- The purpose of today's presentation is to determine next steps with respect to the filling of the Ward 7 vacancy on Markham City Council.



## 2018 Council Vacancies – Provincial Scan

Municipality	Seat	Incumbent	Reason for Vacancy	Status
City of Hamilton	Councillor - Ward 7	Donna Skelly	Incumbent elected MPP for Flamborough-Glenbrook in 2018 Provincial Election	<p>Process for appointment referred to governance review subcommittee</p> <p>Council is leaning towards appointing someone with political experience rather than hosting an open call for nominations</p>
City of St. Catharines	Councillor – Ward 1 (Merritton)	Jennie Stevens	Incumbent elected MPP for St. Catharines in 2018 Provincial Election	Council passed a motion on June 11 not to fill the vacancy despite Provincial legislation

## 2018 Council Vacancies - Provincial Scan (Cont'd)

Municipality	Seat	Incumbent	Reason for Vacancy	Status
City of Oshawa	Regional and City Councillor	Bob Chapman	Incumbent resigned to run for MPP of Oshawa riding in 2018 Provincial Election	<p>Council hosted an open call for nominations from interested members of the public &amp; is currently considering applications</p> <p>Selection &amp; appointment scheduled for a Special City Council meeting on June 28<sup>th</sup></p>
City of Toronto	Councillor – Ward 33 (Don Valley East)	Shelley Carroll	Incumbent resigned on April 4 to run for MPP of Don Valley North riding in 2018 Provincial Election	<p>Council hosted an open call for nominations from interested members of the public</p> <p>Council appointed Jonathan Tsao to fill vacancy on May 22</p>

## 2018 Council Vacancies - Provincial Scan (Cont'd)

Municipality	Seat	Incumbent	Reason for Seat Vacancy	Status
<b>Russell Township</b>	Councillor	Amanda Simard	Incumbent elected MPP for Glengarry-Prescott-Russell in 2018 Provincial Election	Council has agreed in principle to appoint their former Acting Mayor & current Planning Committee member at the next Council meeting following the publication of the Provincial Election results in The Ontario Gazette
<b>Town of the Blue Mountains</b>	Councillor	Michael Seguin	Incumbent resigned on May 4 <sup>th</sup> amid sanctions for breach of the Town's Code of Conduct	Council selected Rob Potter by lot at the June 18 <sup>th</sup> Council meeting (will be sworn in on June 29 <sup>th</sup> )

## 2018 Council Vacancies - Provincial Scan (Cont'd)

Municipality	Seat	Incumbent	Reason for Seat Vacancy	Status
Regional Municipality of Durham	Regional Chair	Roger Anderson	Incumbent died in March 2018	Uxbridge Mayor & Regional Councillor Gerri Lynn O'Connor was nominated & appointed by Durham Regional Council on April 11 <sup>th</sup>
Township of Uxbridge	Mayor	Gerri Lynn O'Connor	Incumbent appointed Durham Regional Chair in April	Deputy Mayor & Ward 2 Councillor Pat Malloy was appointed by Council vote on May 4 <sup>th</sup>
Township of Uxbridge	Councillor – Ward 2	Pat Malloy	Incumbent appointed Mayor of Uxbridge on May 4 <sup>th</sup>	Council appointed the runner-up candidate for Ward 2 (Gary Ruona) from the 2014 Municipal Election - sworn in on June 11 <sup>th</sup>  NOTE: appointee has registered to run for Ward 2 in 2018 Municipal Election

## 2018 School Board Vacancies – Provincial Scan

School Board	Seat	Incumbent	Reason for Seat Vacancy	Status
<b>York Region District School Board</b>	Area 2 (Wards 2, 3 & 6)	Billy Pang	Incumbent resigned after being elected MPP for Markham-Unionville in the 2018 Provincial Election	The Board appointed Ada Yeung (runner-up from the 2014 Municipal Election) to fill the vacancy
<b>Toronto District School Board</b>	Ward 2 – Etobicoke Centre	Chris Glover	Incumbent resigned after being elected MPP for Spadina-Fort York in the 2018 Provincial Election	The Board will be accepting applications for appointment from interested members of the public

## 2018 School Board Vacancies – Provincial Scan

School Board	Seat	Incumbent	Reason for Seat Vacancy	Status
Toronto District School Board	Ward 9 – Davenport	Marit Stiles	Incumbent resigned after being elected MPP for Davenport in the 2018 Provincial Election	The Board will be accepting applications for appointment from interested members of the public

# City of Markham's Council Vacancy Policy

- In October, 2012, Markham City Council adopted a [Council Vacancy Policy](#) to govern the appointment process for filling vacancies on Council.
- In accordance with the Policy, Council has the following options for appointing an eligible voter to the vacant Ward 7 seat:
  - a) Appoint an unsuccessful Ward 7 candidate from the 2014 Municipal Election;
  - or,
  - b) Appoint any other eligible Markham voter.

## Council Vacancy Policy (Cont'd)

- Council must decide which option to use for the appointment process.
- The City Clerk will facilitate the chosen appointment process.
- The person appointed will hold office until the end of the current term of Council (November 30, 2018).



## Option A: Appointment of an Unsuccessful Ward 7 Candidate from the 2014 Municipal Election

- In **Option A** Council will:
  - a) Appoint the Ward 7 candidate that received the second highest number of votes in the 2014 Municipal Election;  
or,
  - b) Appoint any other of the unsuccessful Ward 7 candidates from the 2014 Municipal Election.



## Option A (Cont'd)

- Unsuccessful Ward 7 candidates from Markham's 2014 Municipal Election (listed in order of votes received):
  - Khalid Usman (3,539)
  - **\*Shusmita Sharma (1,308)**
  - Sothy Sella (1,078)
  - **\*Vasu Murugesu (160)**

**\*These Ward 7 candidates did not file financial statements for the 2014 Municipal Election & are therefore ineligible for appointment.**

## Option A (Cont'd)

- To be considered for this appointment, a 2014 Ward 7 candidate must still be an eligible\* Markham voter & must not otherwise be disqualified from holding office.
- It is the candidate's sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the City Clerk as part of the appointment process.
- Notice of Council's decision to appoint a 2014 candidate will be:
  - a) Posted on City's website & in local newspaper(s); &
  - b) Sent to the last known address of 2014 candidates.

**\*An eligible Markham voter is a Canadian citizen; &, at least 18 years of age; & a resident of Markham, or an owner or tenant of land in Markham, or the spouse of such owner or tenant; & not legally prohibited from voting; & not disqualified by any legislation from holding office.**

## Option A (Cont'd)

- 2014 candidates will be required to submit a written expression of interest to the City Clerk.
- The City Clerk shall examine all expressions of interest received from candidates by an established deadline to ensure the eligibility of the candidate.
- The City Clerk will certify a list of candidates eligible for appointment - candidates that do not meet the eligibility requirements will be notified in writing, & their names shall be provided to Council for information purposes only.

## Option B: Appointment of an Eligible Markham Voter

- In **Option B**, Council will fill the Ward 7 vacancy by appointment of an eligible Markham voter. Council will set the date of a meeting when this decision will be made.
- To be considered for this appointment, a candidate must be an eligible Markham voter & must not otherwise be disqualified from holding office.
- It is the candidate's sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the City Clerk as part of the appointment process.



## Option B (Cont'd)

- Notice of Council's decision to appoint an eligible Markham voter will be:
  - a) Posted on the City's website & in local newspaper(s); &
  - b) Provided to ratepayer & community organizations.
- Notice will identify:
  - a) The eligibility requirements to fill the Ward 7 vacancy; &
  - b) Any application requirements established by City Clerk, including but not limited to:
    - i. Consent of Nominee Form or written expressions of interest;
    - ii. Statement of Qualification Form;
    - iii. Declaration of Eligibility; &
    - iv. Deadline for submissions (usually 2 weeks).



## Option B (Cont'd)

- An Information Meeting may be organized by the City Clerk during the application period.
- All interested eligible voters must complete the application requirements established by the City Clerk.
- Following the submission deadline the City Clerk will certify the eligible candidates & provide notice to candidates of the date/time for the Council Appointment Meeting. This meeting will be conducted in accordance with the Council Vacancy Policy.

# Council Appointment Meeting – General Procedures

- 1) At the Council Appointment Meeting, the Chair will outline the following:
  - a) Council has declared the Ward 7 seat vacant in accordance with the Act & resolved to fill the Vacancy by appointment of an eligible voter; &
  - b) A general overview of how the appointment process will be conducted.
- 2) The Clerk will read out the names of all the individuals certified to be eligible for nomination (alphabetically by surname). These names constitute the official Slate of Candidates eligible for nomination.
- 3) Each of the Candidates on the Slate of Candidates will be offered 5 minutes each to speak prior to the first round of voting. The order of speakers will be drawn by the Clerk.

## General Procedures (Cont'd)

- 4) The Clerk will call for nominations, subject to the following:
  - a) Only Members of Council may nominate an individual Candidate from the Slate of Candidates.
  - b) Each Member of Council may nominate 1 or more Candidate(s).
  - c) Nominations must be done via formal resolution (i.e. a mover & seconder is required).
  - d) Candidates do not need to be present to be nominated, however, Candidates not in attendance in person will not be permitted to provide written submissions, appoint a representative to speak on their behalf, withdraw their nomination or participate remotely by any means.
- 5) The Clerk will call 3 times for further nominations, hearing none the Clerk will declare nominations to be closed.
- 6) The Candidate(s) nominated by Members of Council in accordance with this procedure shall be the Slate of Nominees.

# Council Appointment Meeting - Voting Procedures

- 1) If the Slate of Nominees includes more than 1 Nominee, rounds of voting will be conducted as follows:
  - a) In accordance with Section 244 of the Act, no vote shall be taken by ballot or by any other method of secret voting.
  - b) Pieces of paper with each of the Nominees' names will be created by the Clerk & placed in a Container provided by the Clerk. Each of these pieces of paper will be equal in size & type & will contain the name of 1 Nominee only.
  - c) The Clerk will draw the name of Nominees to be voted on by Council.
  - d) Council will vote on each Nominee drawn by the Clerk at the same time by way of public vote, by show of hands.
  - e) Each Member of Council may vote for 1 candidate only in each round.

## Voting Procedures (Cont'd)

- 2) Rounds of voting shall continue until a Nominee has received more than  $\frac{1}{2}$  of the votes of the Members of Council present, or until a tie is broken in accordance with section 21(e) of this procedure.
- 3) Where a round of voting does not result in a Nominee receiving more than  $\frac{1}{2}$  of the votes of the Members of Council present:
  - a) In any round of voting, 1 vote shall be considered the lowest number of possible votes. Where Nominees receive 0 (zero) votes, they will be automatically excluded from the Slate of Nominees in the next round of voting.
  - b) The Nominees with the fewest number of votes will be automatically excluded from the Slate of Nominees in the next round of voting.
  - c) The Clerk will record the votes & announce the results verbally at the end of each round of voting.
  - d) The Clerk will ask if any Nominees present in person wishes to withdraw their name from the contest after each round of voting.

## Recommendations

- 1) That, in accordance with the Municipal Act, Markham City Council declare the Ward 7 local Councillor seat vacant at its June 26, 2018 Council meeting; &
- 2) That Council provide direction as to which option it will utilize to fill the Ward 7 vacancy on Markham City Council; & further,
- 3) That the City Clerk will be authorized & directed to take all necessary steps required to fill the Ward 7 vacancy in the manner selected by Markham City Council.



# Questions

